Journal of the House

State of Indiana

113th General Assembly *First Regular Session*

Forty-first Meeting Day **Monday Afternoon** **April 7, 2003**

The House convened at 1:30 p.m. with the Speaker in the Chair.

The invocation was offered by Minister Roger Clark, Sherwood Oaks Christian Church, Bloomington, the guest of Representative Peggy Welch.

The Pledge of Allegiance to the Flag was led by Representative Matt Pierce.

The Speaker ordered the roll of the House to be called:

T. Adams ⏏	Kromkowski
Aguilera	Kruse
Alderman	Kuzman
Austin	LaPlante
Avery	L. Lawson
Ayres	Lehe
Bardon	Leonard
Becker	Liggett
Behning	J. Lutz
Bischoff	Lytle
Borror	Mahern
Bosma	Mangus
Bottorff	Mays
C. Brown	McClain
T. Brown	Moses ⏏
Buck	Murphy
Budak	Neese
Buell	Noe
Burton	Orentlicher
Cheney	Oxley
Cherry	Pelath
Chowning	Pflum
Cochran	Pierce
Crawford	Pond
Crooks	Porter
Day	Reske
Denbo	Richardson
Dickinson	Ripley
Dobis	Robertson
Duncan	Ruppel
Dvorak	Saunders
Espich	Scholer
Foley	V. Smith
Frenz	Stevenson
Friend	Stilwell
Frizzell	Stine
Fry	Stutzman
GiaQuinta	Summers
Goodin	Thomas
Grubb	Thompson
Gutwein	Torr
Harris	Turner
Hasler	Ulmer
Heim	Weinzapfel
Herrell	Welch
Hinkle	Whetstone
Hoffman	Wolkins
Kersey	D. Young
Klinker	Yount
Koch	Mr. Speaker

Roll Call 453: 98 present; 2 excused. The Speaker announced a quorum in attendance. [*NOTE*: ⏏ *indicates those who were excused*.]

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Tuesday, April 8, 2003, at 10:00 a.m.

GOODIN

Motion prevailed.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed, without amendments, Engrossed House Bill 1933 and the same is herewith returned to the House.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed House Bills 1730, 1788, and 1814 with amendments and the same are herewith returned to the House for concurrence.

MARY C. MENDEL
Principal Secretary of the Senate

Referrals to Ways and Means withdrawn

The Speaker announced that the referral of Engrossed Senate Bills 75 and 188 to the Committee on Ways and Means, pursuant to Rule 127, had been withdrawn on April 4.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 46

Representatives Mahern and Aguilera introduced House Concurrent Resolution 46:

A CONCURRENT RESOLUTION honoring Sergio Aguilera, the consul of Mexico in Indianapolis.

Whereas, Sergio Aguilera, the consul of Mexico in Indianapolis, has enjoyed a long and distinguished career in service to Mexico and the Mexican people;

Whereas, Mr. Aguilera, the youngest of five children, was born in Irapuato, Guanajuato, Mexico, on February 9, 1942;

Whereas, Mr. Aguilera's education includes a bachelor of arts degree from the National Autonomous University of Mexico (UNAM), with his thesis entitled, "The Prohibition of the Recourse to Force under the U.N. Charter" and a master of arts from Columbia University, where his program concentrated on methodology of international relations, with a minor course of study on Latin America;

Whereas, In addition to Spanish, Mr. Aguilera speaks, reads, and writes English, and translates French, Italian, and Portuguese;

Whereas, In 1966, Mr. Aguilera joined the Mexican Foreign Service as commercial attache to the Consulate General of Mexico in New York. He resigned two years later and accepted a scholarship to study at Columbia University in New York;

Whereas, In 1970, Mr. Aguilera returned to the Mexican Foreign Service and served as the advisor to the Undersecretary of Foreign Affairs and began working in the International Division of the National Bank of Mexico, the largest commercial bank in the country;

Whereas, Mr. Aguilera eventually left the foreign service and was appointed the Agent and General Manager of the Bank of Mexico in Los Angeles, California;

Whereas, Mr. Aguilera continued to work for the Bank of Mexico until 1989, when he became the Senior Vice President of Banca Sefin and an advisor on International Banking matters to the CEO. He continued working at Banca Sefin until November 1991, when the President of Mexico appointed him the Consul General of Mexico in Toronto, Canada;

Whereas, Mr. Aguilera has also served as Consul General to Sydney, Australia, and Shanghai, China;

Whereas, On April 30, 2002, President Vicente Fox of Mexico appointed Mr. Aguilera the Consul of Mexico in Indianapolis; and

Whereas, During his distinguished career, Mr. Aguilera has taught at the School of Political and Social Sciences of the National Autonomous University of Mexico and at the University of the Americas, written countless essays and articles in specialized journals and periodicals, Mexican newspapers, and magazines: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly wishes to welcome Mr. Sergio Aguilera to Indiana and to thank him for the many contributions he has made to improve the relationship between Mexico and the United States.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Sergio Aguilera and President Vicente Fox of Mexico.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Simpson.

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Dobis.

House Concurrent Resolution 47

Representatives Frizzell, Burton, Murphy, and Foley introduced House Concurrent Resolution 47:

A CONCURRENT RESOLUTION honoring Central Nine Career Center Language Volunteers.

Whereas, Central Nine opened its doors in the fall of 1972 with two buildings totaling 65,000 square feet and has grown to seven buildings totaling approximately 120,000 square feet of classrooms, laboratories. offices and other instructional resource facilities;

Whereas, Central Nine is an area career-technical school dedicated to the development of the necessary knowledge and skills to prepare high school students for employment in a chosen field and/or further training;

Whereas, Central Nine provides career-technical education for a geographic area that encompasses all of Johnson County, the southeast township of Morgan County, and a major portion of the southern third of Marion County including students transported to those districts from the northeast side of Indianapolis. The school serves nine school corporations: Beech Grove, Center Grove, Edinburgh, Franklin Central, Franklin Community, Greenwood, Indian Creek, Perry Township and Whiteland;

Whereas, The mission of Central Nine Career Center is to teach job skills to high school age youth, it has also provided job skill training and education to adults since it opened in 1972;

Whereas, In addition to job skill training, Central Nine Career Center provides preparation classes for the General Educational Development test for out of school youth without a high school diploma;

Whereas, Another aspect of these adult basic education classes is the English as a Second Language classes. These classes teach English to limited English proficient adults who have recently come to our shores;

Whereas, Central Nine Career Center began teaching English as a Second Language class in 1980 and began using volunteers in the classroom in 1981;

Whereas, Volunteer tutors became a integral part of the English as a Second Language classroom to give students a more intense learning experience than would otherwise be possible with the teacher alone;

Whereas, Volunteer tutors provide teacher directed instruction to small groups arranged by ability level. The tutors give more oral and aural practice resulting in faster learning with higher retention;

Whereas, English as a Second Language classes have become more important with our community as we have seen greater numbers of immigrants from South America, Asia and East European countries enter our community and begin working. These classes are a lifeline for the students because as English proficiency improves so does the family ability to learn skills and become employable;

Whereas, Many of these tutors have volunteered for five to ten years and deserved to be recognized for their time and efforts. These tutors come from all walks of life and commit to one morning or one evening each week to helping in the classroom working with non-native speakers who are learning the English language;

Whereas, The following are persons are tutors at Central Nine Career Center who should be recognized: Mary Ann Cline, Bernice Grabenhofer, Betty Hewitt, David Miller, Kathy Steuer, Rose Marie Stiffler, Victor Hassell, Imogene Caldwell, John Mellott, Amy Stoddard, Eugene Caviston, Jane Bostwick, Sandra Jackson, John Micheal Yeager, William Fawcett, Saralyn Ross, Karen Bridges, William Bridges, Harriet Beth Campbell, Cathy Harrell, Nicole Smith-Hilz, Michael Smolinski, Jamia Houston, Nicole Maddox, Sara Donathen-Smith and Jordan Olibo: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly recognizes these persons for their time and effort to volunteer at Central Nine Career Center.

SECTION 2. That the Principal Clerk of the House of Representatives is directed to transmit a copy of this resolution to ESL Staff: Richard Stoddard, Nancy Stoddard and Julie Ramirez, ESL Instructional Aides: Karen Holder, Amber Collins, Judy Nichols and Lourdes Vazquez.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Borst.

House Concurrent Resolution 48

Representatives Espich, Frenz, Welch, and Buell introduced House Concurrent Resolution 48:

A CONCURRENT RESOLUTION urging the state Department of Administration to adopt a policy protecting the pay and benefits of state employees who are members of a National Guard unit and called to active military duty.

Whereas, A number of Indiana state employees serve in the National Guard and have been or will be called to active military duty;

Whereas, Such employees may be separated from their families for an extended period of time;

Whereas, Such employees courageously face danger and undertake sacrifice to protect the security of their fellow Americans;

Whereas, Such courage and sacrifice should not come with an additional sacrifice in the form of reduced compensation or benefits;

Whereas, Many private sector employers and other units of government protect the pay and benefits of employees called to active military duty: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the General Assembly recognizes the sacrifice of those state employees who serve in the Indiana National Guard.

SECTION 2. That the Indiana Department of Administration is hereby urged to adopt a policy to protect those state employees who are members of an Indiana National Guard Unit called to active military service against any loss of state income or benefits as a result of such service.

SECTION 3. That the Department of Administration's policy should cover all employees receiving an initial call-up to active duty between October 1, 2002 and December 31, 2003.

SECTION 4. That the Principal Clerk of the House of Representatives is directed to transmit a copy of this resolution of the Indiana Department of Administration.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsors: Senators Wyss and Craycraft.

House Concurrent Resolution 49

Representative Bosma introduced House Concurrent Resolution 49:

A CONCURRENT RESOLUTION honoring the Lawrence North High School Color Guard.

Whereas, The Lawrence North High School Color Guard competes within the Indiana High School Color Guard Association;

Whereas, The Lawrence North Color Guard Varsity (Open Guard) won the Open Class State Championship and the Junior Varsity ("B" Guard") placed 6th in class "B";

Whereas, Only four times in history has a school had two groups in the State Finals competition;

Whereas, The Lawrence North Color Guard "Open Guard" also belongs to the Winter Guard International Circuit, where they won the Chicago regional, making the team the 2003 WGI Midwest Regional Champions;

Whereas, The Lawrence North Color Guard "Open Guard" will be competing in the World Championships April 9 through 12, 2003, in Dayton, Ohio;

Whereas, The Lawrence North Color Guard has been invited, along with the Lawrence North Marching Band, to participate in the next Fiesta Bowl in Phoenix, Arizona;

Whereas, The members of the Lawrence North Color Guard "Winter Guard" are Erika Burnett (Senior Captain), Jose Negron (senior), Melissa Stroh (junior), Tiffany Dalton (junior), Carli Gustin (junior), Katie Sloan (junior), Holli Green (junior), Skye Woods (junior), Jennifer French (junior), Stephanie Sachs (junior), Kelly O'Connor (sophomore), Chrissy Bandy (sophomore), Kelly Marchant (sophomore), Megan Murray (sophomore), Brianna Jarrett (sophomore), Tashina Camacho (sophomore), Stephanie Sachs (sophomore), Brittany Webb (freshman), Chaunt'a Bates (freshman);

Whereas, Tim Landess is Guard Director, John Cook is Band director, and the staff members of the "Winter Guard" are Chris Frick, Lee Gibson, Kenny Whitlock, Lora Maher, and Erin O'Connor;

Whereas, The "Winter Guard" members, staff and directors are known as "The Rosies";

Whereas, Thirty-two students participate in this year's color guard program, and fifty-five students are already enrolled in the color guard program for next year;

Whereas, The Lawrence North High School students who participate in the Color Guard, along with those parents and school staff who support those students, are commended for their discipline, creativity, dedication, and enthusiasm required for their success: Therefore,

Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:

SECTION 1. That the Lawrence North High School Color Guard is honored for their Open Class State and WGI Midwest Regional championships.

SECTION 2. That the Principal Clerk of the Indiana House of Representatives is directed to transmit a copy of this resolution to the Superintendent of the Metropolitan School District of Lawrence Township, the Principal of Lawrence North High School, and to the members, directors and staff of the Lawrence North High School Color Guard.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Merritt.

House Concurrent Resolution 50

Representatives Klinker and Scholer introduced House Concurrent Resolution 50:

A CONCURRENT RESOLUTION honoring the Purdue University women's basketball team on the occasion of its victory in the Big 10 Tournament.

Whereas, The number 10 ranked Purdue University women's basketball team won the 2003 Big Ten Tournament title by defeating number 22 ranked Ohio State, giving the Boilermakers their fourth Big Ten title;

Whereas, The Boilermakers also finished the season as conference runner up with a 12-4 league record, marking the seventh straight year the team has finished 1, 2, or 3 in the final Big Ten standings;

Whereas, The title game was a struggle throughout, coming down to a last minute shot by Ohio State to tie or win the game;

Whereas, The shot was off the mark and the Boilermakers successfully ran out the clock to secure the win;

Whereas, Coach Kristy Curry felt that the last minute victory was a matter of pride; the team "plays to win instead of playing not to lose";

Whereas, The Boilermakers were led by Mary Jo Noon and Shereka Wright, who each scored 19 points and grabbed 11 rebounds;

Whereas, To date, the Boilermakers have gone undefeated in Mackey Arena with a 14-0 record and have extended their home conference win streak to 31 games;

Whereas, This was also a milestone season for coach Kristy Curry, who won her 100th game on February 27;

Whereas, Three Boilermakers received individual honors: Junior Shereka Wright was named to the All-Big Ten team and is a Naismith Award and Wade Trophy finalist, Junior Erika Valek was named first team All-Big Ten, and Junior Beth Jones was named to the second team Academic All-District and Academic All-Big Ten team; and

Whereas, A winning attitude and a strong desire to succeed are necessary to reach the level of excellence displayed by the Purdue University women's basketball team; every member of this team should be very proud of all they have accomplished this season: Therefore,

Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:

SECTION 1. That the Indiana General Assembly wishes to congratulate the Purdue University women's basketball team for its Big Ten title and to wish them continued success in all their endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to team members Hannah Anderson, Carol Duncan, Emily Heikes, Lindsey Hicks, Brianna Howard, Beth Jones, Sabrina Keys, Ashley Mays, Mary Jo Noon, Missy Taylor, Erika Valek, Sharika Webb, and Shereka Wright, Head Coach Kristy Curry, and Assistant Coaches Pam Stackhouse, Kerry Cremeans, and Kelly Curry.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsors: Senators Hershman, Alting, Jackman,

and Harrison.

House Concurrent Resolution 51

Representative Kromkowski introduced House Concurrent Resolution 51:

A CONCURRENT RESOLUTION calling for the creation of a Great Lakes Legislative Caucus.

Whereas, The challenges facing the Great Lakes can only be met successfully through a well-coordinated and systematic approach. Issues as diverse as aquatic nuisance species, pollution, water levels, water diversions and consumptive uses will be addressed in the coming years by dozens of laws and regulations in each of the Great Lakes states and provinces;

Whereas, Legislation impacting the Great Lakes will be far more effective if it is based on information developed and shared by policymakers from the entire Great Lakes region. An organization to bring key Great Lakes lawmakers together regularly to share knowledge and hear other perspectives would be invaluable in improving the impact and uniformity of practices established in statute;

Whereas, Regular meetings of legislative leaders from each of the Great Lakes states and provinces will bring many benefits. Regularly exchanging information can bring immediacy to the work of dealing with Great Lakes issues. The current practice of legislative bodies relying primarily on regional forums can be supplemented significantly through a legislative caucus working directly with experts to develop model legislation. Clearly, there will be a stronger sense of urgency brought to Great Lakes issues by a Great Lakes Legislative Caucus than is sometimes the case now, and

Whereas, Another benefit of a Great Lakes Legislative Caucus will be a more unified and stronger voice on specific issues. This can only help in articulating the unique situation facing the Great Lakes basin: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That we call for the creation of a Great Lakes Legislative Caucus. We call on the legislatures of Illinois, Michigan, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin and the legislative bodies of Ontario, and Quebec to join us in developing this vehicle to address the many Great Lakes issues that cross jurisdictional boundaries.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to the leadership of the legislative bodies of the Great Lakes states and provinces, the Great Lakes Commission, the International Joint Commission, the National Conference of State Legislatures, and the members of the congressional delegations from the Great Lakes states.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsors: Senators Rogers, Landske, Antich, and Mrvan.

House Concurrent Resolution 52

Representative Kromkowski introduced House Concurrent Resolution 52:

A CONCURRENT RESOLUTION to urge the International Joint Commission to maintain its vigilance in opposing diversion of Great Lakes water and to support the prompt resolution of all issues related to the finalization of Annex 2001.

Whereas, Protection of the Great lakes is a challenge of unsurpassed significance and scope to the people of Indiana and all of the states and provinces that comprise the region. This monumental challenge includes working to safeguard the quality of the waters to protect these freshwater resources from the threats of out of basin water diversion and to continue to enable our use and enjoyment of this water resource within the basin;

Whereas, The International Water Uses Review Task Force recently submitted to the International Joint Commission it report, entitled "Protection of the Waters of the Great Lakes." This project, part of the three-year review by the International Joint Commission, cites data to indicate that the issue of consumptive use problems "has been consistently and significantly overstated for the past three decades." The report also says that long-distant, large-scale removals are, for the near or mid-term, "highly improbable." The study encourages support for a more deliberative approach to finalizing the Annex 2001 agreement to establish protection of the waters of the Great Lakes from the diversions;

Whereas, With the uncertainties of the future, including in the area of technology, and the magnitude of the value of the Great Lakes, it would be a mistake to abandon the ongoing efforts to prevent the bulk diversion of the Great Lakes water outside of the basin. Such policies should be made pro-actively, before a crisis is upon us;

Whereas, Our state is well aware of the projections of water shortages for other reasons. We are also well aware of the role that the Great Lakes network plays in contributing to the strength of the American and Canadian economies and the vitality of the states and provinces along its shores: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That we encourage the International Joint Commission to maintain its participation in developing feasible and defensible strategies and policies that protect the Great Lakes water from out-of-basin diversions and to continue to support the Annex 2001 process in a deeply considered and scientifically informed manner.

SECTION 2. That the Principal Clerk of the House of Representatives transmit copies of this resolution to the International Joint Commission, the Great Lakes Commission, the congressional delegations from the Great Lakes states, the Council of Great Lakes Governors, and the legislative leadership from the Great Lakes states and provinces.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsors: Senators Rogers, Landske, Antich, and Mrvan.

House Resolution 52

Representatives Aguilera and Porter introduced House Resolution 52:

A HOUSE RESOLUTION recognizing Hispanic Student Outreach Days.

Whereas, Hispanic Student Outreach Days at the statehouse is an opportunity for Hispanic youth to learn more about state government;

Whereas, Hispanic Student Outreach Days was organized in conjunction with the House of Representatives Student Services Office, the Mexican Consulate, and the Indianapolis Hispanic Chamber of Commerce;

Whereas, The Students Service Office has dedicated April 8 and 9, 2003, as Hispanic Student Outreach Days;

Whereas, Hispanic students who participate in this event will have a better understanding of the services and opportunities available through state government; and

Whereas, The Hispanic community experiences an overall lack of access to essential health, social service, and educational resources due to isolating language and cultural barriers; it is hoped that events like Hispanic Student Outreach Days can be used as a catalyst to propel students from the Hispanic community to become aware of the resources available to them and to become active citizens in Indiana: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives wishes to recognize April 8 and 9, 2003, as Hispanic Student Outreach Days and to encourage members of the Hispanic community to participate in this event.

The resolution was read a first time and adopted by voice vote.

House Resolution 53

Representatives Scholer, Espich, and Klinker introduced House Resolution 53:

A HOUSE RESOLUTION in memory of E. Frances Gaylord, who served in the Indiana House of Representatives in the years of 1967, 1969, 1971-72 and 1973-74. She also served as Clerk for the Indiana House of Representatives from 1961 to 1963.

Whereas, E. Frances Gaylord worked from 1961 to 1968 at Purdue University;

Whereas, E. Frances Gaylord managed the Tippecanoe County License Branch from 1954 to 1960;

Whereas, E. Frances Gaylord served from 1952 to 1964 as Tippecanoe Republican Vice-Chair;

Whereas, E. Frances Gaylord while serving in the House of Representatives chaired the House Appointments and Claims committee and was ranking member of the Military Affairs Committee;

Whereas, E. Frances Gaylord was liaison for the Indiana Attorney General's office;

Whereas, E. Frances Gaylord was a member of Trinity United Methodist Church and was active with the Port Charlotte United Methodist Church;

Whereas, E. Frances Gaylord was a member of the National Society of State Legislators, Lafayette Business Professional Women, Alpha Gamma Delta sorority, a former member of Reserve Officers Associate Ladies and was past president of the state American Legion Auxiliary and Post 11 Auxiliary;

Whereas, Mrs. Gaylord lived in West Lafayette, Indiana, and attended West Lafayette High School. After graduating she attended DePauw University in 1926-1927 and attended Lafayette Business College in 1928;

Whereas, E. Frances Gaylord was born on May 8, 1908 and passed away November 12, 2002;

Whereas, Mrs. Gaylord has two sons, seven grandchildren, sixteen great-grandchildren and a great-great granddaughter: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the House of Representatives and the Indiana General Assembly recognize E. Frances Gaylord for her outstanding career in politics and her contributions to the Republican party and the community.

SECTION 2. That the Principal Clerk of the House of Representatives is directed to transmit a copy of this resolution to Mr. Linn Gaylord and Mr. Robert Hawkins at the Indiana Veteran's Home.

The resolution was read a first time and adopted by voice vote.

Representative Moses, who had been excused, was present.

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 67

Representative Pflum called down Engrossed Senate Bill 67 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 454: yeas 92, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Representative T. Adams, who had been excused, was present.

Engrossed Senate Bill 186

Representative Porter called down Engrossed Senate Bill 186 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 455: yeas 96, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

The Speaker Pro Tempore yielded the gavel to the Speaker

Engrossed Senate Bill 203

Representative Welch called down Engrossed Senate Bill 203 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state police, civil defense and military affairs.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 456: yeas 97, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 222

Representative Reske called down Engrossed Senate Bill 222 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 457: yeas 97, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 227

Representative Klinker called down Engrossed Senate Bill 227 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 458: yeas 97, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 383

Representative Fry called down Engrossed Senate Bill 383 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning business and other associations.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 459: yeas 97, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed

to inform the Senate of the passage of the bill.

The Speaker yielded the gavel to the Deputy Speaker Pro Tempore, Representative Harris.

Engrossed Senate Bill 386

Representative Hasler called down Engrossed Senate Bill 386 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 460: yeas 97, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 389

Representative Frenz called down Engrossed Senate Bill 389 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning labor and industrial safety.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 461: yeas 53, nays 47. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 401

Representative Reske called down Engrossed Senate Bill 401 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 462: yeas 99, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 446

Representative Fry called down Engrossed Senate Bill 446 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 463: yeas 99, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

The Deputy Speaker Pro Tempore yielded the gavel to the Speaker.

Engrossed Senate Bill 474

Representative Reske called down Engrossed Senate Bill 474 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 464: yeas 94, nays 4. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 477

Representative Mahern called down Engrossed Senate Bill 477 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 465: yeas 99, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Engrossed Senate Bill 26, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 27, nays 0.

CRAWFORD, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Insurance, Corporations and Small Business, to which was referred Engrossed Senate Bill 122, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 27-1-20-21, AS AMENDED BY P.L.268-1999, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 21. **(a)** Every company doing business in this state shall file with the department on or before March 1 in each year a financial statement for the year ending December 31 immediately preceding in a format in accordance with IC 27-1-3-13. For good and sufficient cause shown, the commissioner may grant to any individual company a reasonable extension of time not to exceed ninety (90) days within which such statement may be filed. Such statement shall be verified by the oaths of the president or a vice president and the secretary or an assistant secretary of the company. The statement of an alien company shall segregate and state separately its condition and transaction in the United States and such segregated and separated statement shall be verified by the oath of its resident manager or principal representative in the United States. The commissioner of insurance may, with the approval of the commission on public records, authorize the destruction of such annual statements which have been on file for ~~two (2)~~ **ten (10)** years or more and microfilm copies of which have been made and filed.

(b) A company that during the previous calendar year provided insurance described in Class 2(e), Class 2(f), or Class 2(h) of IC 27-1-5-1 to an Indiana political subdivision (as defined in IC 34-6-2-110) shall file with the department, as an additional part of the financial statement required under subsection (a), an exhibit of premiums and losses reflecting the company's financial results exclusively in connection with the insurance described in this subsection.

(c) The exhibit required under subsection (b) must:

(1) set forth figures indicating:

(A) direct premiums written;

(B) direct premiums earned;

(C) direct losses paid;

(D) direct losses incurred;

(E) direct losses unpaid;

(F) allocated loss adjustment expenses; and

(G) unallocated loss adjustment expenses;

for the year of the financial statement in connection with the insurance described in subsection (b); and

(2) report:

(A) the number of jury awards paid under the provisions of the insurance described in subsection (b) and the total amount paid for all jury awards;

(B) the number of court awards, not including jury awards, paid under the provisions of the insurance described in subsection (b); and

(C) the number of negotiated settlements paid under the provisions of the insurance described in subsection (b) and the total amount paid for all negotiated settlements;

during the calendar year.

(d) The information described in subsection (c) must be reported in each year after 2003.

SECTION 2. IC 27-1-22-2.5, AS AMENDED BY P.L.132-2001, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2.5. (a) As used in this chapter, "exempt commercial policyholder" means an entity that:

(1) makes written certification to the entity's insurer on a form prescribed by the department that the entity is an exempt commercial policyholder;

(2) has purchased the policy of insurance through an insurance agent licensed under IC 27-1-15.6 or IC 27-1-15.8; and

(3) meets any three (3) of the following criteria:

(A) Has a net worth of more than twenty-five million dollars ($25,000,000) at the time the policy of insurance is issued.

(B) Has a net revenue or sales of more than fifty million dollars ($50,000,000) in the preceding fiscal year.

(C) Has more than twenty-five (25) employees per individual company or fifty (50) employees per holding company aggregate at the time the policy of insurance is issued.

(D) Has aggregate annual commercial insurance premiums, excluding any worker's compensation and professional liability insurance premiums, of more than seventy-five thousand dollars ($75,000) in the preceding fiscal year.

(E) Is a nonprofit ~~or a public~~ entity with an annual budget of at least twenty-five million dollars ($25,000,000) or assets of at least twenty-five million dollars ($25,000,000) in the preceding fiscal year.

(F) Procures commercial insurance with the services of a risk manager.

An entity meets the written certification requirement under subdivision (1) if the entity provides a copy of a certification previously submitted under subdivision (1) and if there has been no significant material change in the entity's status. **The term does not include a political subdivision (as defined in IC 34-6-2-110).**

(b) As used in this chapter, "risk manager" means a person qualified to assess an exempt commercial policyholder's insurance needs and analyze and negotiate a policy of insurance on behalf of an exempt commercial policyholder. A risk manager may be:

(1) a full-time employee of an exempt commercial policyholder who is qualified through education and experience or training and experience; or

(2) a person retained by an exempt commercial policyholder who holds a professional designation relevant to the type of insurance to be purchased by the exempt commercial policyholder.".

Page 11, between lines 2 and 3, begin a new paragraph and insert:

"SECTION 7. IC 34-13-3-20, AS AMENDED BY P.L.192-2001, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 20. (a) A political subdivision may:

(1) purchase insurance;

(2) maintain a program of self-insurance; or

(3) act in concert with another political subdivision to provide a program, a pool, a trust, or an agreement;

to cover the liability of itself or its employees, including a member of a board, a committee, a commission, an authority, or another instrumentality of a governmental entity. Any liability insurance so purchased shall be purchased by invitation to and negotiation with providers of insurance and may be purchased with other types of insurance. If such a policy is purchased, the terms of the policy govern the rights and obligations of the political subdivision and the insurer with respect to the investigation, settlement, and defense of claims or suits brought against the political subdivision or its employees covered by the policy. However, the insurer may not enter into a settlement for an amount that exceeds the insurance coverage without the approval of the mayor, if the claim or suit is against a city, or the governing body of any other political subdivision, if the claim or suit is against such political subdivision.

(b) The state may not purchase insurance to cover the liability of the state or its employees. This subsection does not prohibit any of the following:

(1) The requiring of contractors to carry insurance.

(2) The purchase of insurance to cover losses occurring on real property owned by the public employees' retirement fund or the Indiana state teachers' retirement fund.

(3) The purchase of insurance by a separate body corporate and politic to cover the liability of itself or its employees.

(4) The purchase of casualty and liability insurance for foster parents (as defined in IC 27-1-30-4) on a group basis.

SECTION 8. IC 27-1-20-34 IS REPEALED [EFFECTIVE JULY 1, 2003].".

Renumber all SECTIONS consecutively.

(Reference is to SB 122 as reprinted February 25, 2003.)

and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 6.

FRY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, Ethics and Veterans Affairs, to which was referred Engrossed Senate Bill 176, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 4-33-2-10.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 10.5. As used in IC 4-33-4-21(d), "gross income" means all the gross receipts a licensed owner receives from the sale, transfer, or exchange of an owner's license issued under this article.**

SECTION 2. IC 4-33-4-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 21. (a) A licensed owner or any other person must apply for and receive the commission's approval before:

(1) an owner's license is:

(A) transferred;

(B) sold; or

(C) purchased; or

(2) a voting trust agreement or other similar agreement is established with respect to the owner's license.

(b) The commission shall adopt rules governing the procedure a licensed owner or other person must follow to take an action under subsection (a). The rules must specify that a person who obtains an ownership interest in a license must meet the criteria of this article and any rules adopted by the commission. A licensed owner may transfer an owner's license only in accordance with this article and rules adopted by the commission.

(c) A licensed owner or any other person may not:

(1) lease;

(2) hypothecate; or

(3) borrow or loan money against;

an owner's license.

(d) The commission shall impose a transfer fee upon a licensed owner who sells, transfers, or exchanges an owner's license. The fee imposed under this subsection is equal to:

(1) the gross income received from the sale, transfer, or exchange of an owner's license with:

(A) a person; or

(B) a person affiliated with a person described in clause (A); multiplied by

(2) six percent (6%).

The gaming commission shall deposit a fee collected under this subsection in the state general fund.

(e) For purposes of this section, a person "affiliated" with a specific person is a person that directly, or indirectly through one (1) or more intermediaries, controls, or is controlled by, or is under common control with, the person specified.".

Renumber all SECTIONS consecutively.

(Reference is to SB 176 as printed February 26, 2003.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 3.

LYTLE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Insurance, Corporations and Small Business, to which was referred Engrossed Senate Bill 178, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 26, delete "in a way" and insert "**as**".

Page 4, line 25, delete "coded by the consumer reporting" and insert "**:**".

Page 4, delete line 26.

Page 4, line 30, delete "coded by the consumer reporting".

Page 4, line 31, delete "agency".

Page 4, line 31, delete "on the consumer's" and insert "**.**".

Page 4, delete line 32.

Page 4, line 33, delete "that".

Page 4, line 34, delete "is coded by the consumer reporting agency".

Page 5, line 25, delete "when" and insert "**at the time**".

Page 5, delete lines 31 through 34, begin a new line blocked left and insert:

"**The insurer is not required to provide the disclosure statement required under this section to an insured on a renewal policy if the insured has previously been provided a disclosure statement.**".

Page 6, line 10, delete "factors, up to a maximum of four (4) factors," and insert "**factors up to four (4) primary factors**".

Page 6, line 24, delete "a trade secret (as".

Page 6, line 25, delete "defined in IC 24-2-3-2) and is".

Page 6, delete lines 26 through 30, begin a new paragraph and insert:

"**Sec. 21. (a) An insurer shall indemnify and defend an insurance producer and hold an insurance producer harmless from and against liability, fees, and costs arising out of or related to the actions, errors, or omissions of the insurance producer, if the insurance producer:**".

(Reference is to SB 178 as printed February 25, 2003.)

and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 0.

FRY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred Engrossed Senate Bill 268, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning elections and to make an appropriation.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 3-5-2-26.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 26.2. "HAVA" refers to the federal Help America Vote Act of 2002 (42 U.S.C. 15301 through 15545). A reference to:**

(1) "Section 101" of HAVA is a reference to 42 U.S.C. 15301; and

(2) "Section 102" of HAVA is a reference to 42 U.S.C. 15302.

SECTION 2. IC 3-5-2-26.4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 26.4. "Identifying information" refers to any of the following:**

(1) A copy of a current and valid piece of identification containing a photograph of the voter.

(2) A copy of any of the following that shows the name and address of the voter:

(A) A current utility bill.

(B) A current bank statement.

(C) A current government check.

(D) A current paycheck.

(E) A current government document.

SECTION 3. IC 3-5-2-53 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 53. "Voting system" means **the following:**

(1) Before January 1, 2006, a combination of mechanical, electromechanical, or electronic equipment that is used to cast and count votes. The term includes the software and firmware required to program and to control the equipment. Equipment that is not an integral part of a voting system but that can be used as an adjunct to the system is considered to be a component of the system.

(2) After December 31, 2005, as provided in 42 U.S.C. 15481:

(A) the total combination of mechanical, electromechanical, or electronic equipment (including the software, firmware, and documentation required to program, control, and support that equipment) that is used:

(i) to define ballots;

(ii) to cast and count votes;

(iii) to report or display election results; and

(iv) to maintain and produce any audit trail information; and

(B) the practices and associated documentation used:

(i) to identify system components and versions of those components;

(ii) to test the system during its development and maintenance;

(iii) to maintain records of system errors and defects;

(iv) to determine specific system changes to be made to a system after the initial qualification of the system; and

(v) to make available any materials to the voter (such as notices, instructions, forms, or paper ballots).

SECTION 4. IC 3-5-4-7, AS AMENDED BY P.L.122-2000, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. Except as otherwise provided in this title, a reference to a federal statute or regulation in this title is a reference to the statute or regulation as in effect January 1, ~~2000.~~ **2003.**

SECTION 5. IC 3-5-8-2, AS ADDED BY P.L.126-2002, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. **(a)** The statement required by section 1 of this chapter must contain the following:

(1) A statement of the qualifications that an individual must meet to vote in Indiana, including qualifications relating to registration.

(2) A statement describing the circumstances that permit a voter who has moved from the precinct where the voter is registered to return to that precinct to vote.

(3) A statement that an individual who meets the qualifications and circumstances listed in subdivisions (1) and (2) may vote in the election.

(4) A statement describing how a voter who is challenged at the

polls may be permitted to vote.

(5) **Voting instructions.**

(6) General information on voting rights under applicable federal and Indiana law. This information must include the following:

(A) Information on the right of an individual to cast a provisional ballot.

(B) Instructions on how to contact the appropriate officials if voting rights are alleged to have been violated.

(7) General information on federal and Indiana law regarding prohibitions on acts of fraud and misrepresentation.

(8) A statement informing the voter what assistance is available to assist the voter at the polls.

~~(6)~~ **(9)** A statement informing the voter what circumstances will spoil the voter's ballot and the procedures available for the voter to request a new ballot.

~~(7)~~ **(10)** A statement describing which voters will be permitted to vote at the closing of the polls.

~~(8)~~ **(11)** Other information that the commission considers important for a voter to know.

(b) The information required by subsection (a)(5), (a)(6), and (a)(7) is not required before January 1, 2004.

SECTION 6. IC 3-5-9 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]:

Chapter 9. Election Administration Assistance

Sec. 1. As used in this chapter, "fund" refers to the election administration fund established by section 3 of this chapter.

Sec. 2. For purposes of this chapter, "purchase" includes purchase, lease-purchase, and lease.

Sec. 3. (a) The election administration fund is established to carry out the purposes described in this chapter.

(b) The fund consists of the following:

(1) Money appropriated to the fund by the general assembly.

(2) Proceeds of bonds issued by the Indiana bond bank for acquisition of voting systems as authorized by law.

(3) All money paid to the state under Section 101 of HAVA. The auditor of state shall establish a separate account in the fund for money received under Section 101 of HAVA.

(4) All money paid to the state under Section 102 of HAVA. The auditor of state shall establish a separate account in the fund for money received under Section 102 of HAVA.

(5) All money paid to the state under 42 U.S.C. 15401 through 42 U.S.C. 15408 of the federal act. The auditor of state shall establish a separate account in the fund for money received under 42 U.S.C. 15401 through 42 U.S.C. 15408.

The budget agency shall allocate money appropriated by the general assembly and proceeds of bonds issued by the Indiana bond bank to the appropriate account within the fund as required to match federal funds or as otherwise required by law.

(c) The election division shall administer the fund.

(d) The expenses of administering the fund shall be paid from money in the Section 101 account of the fund.

(e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the fund and allocated among the accounts within the fund according to the balances of the respective accounts.

(f) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(g) Money in the fund is appropriated continuously to carry out the purposes described in this chapter.

(h) Expenditures from the fund are subject to approval of the budget agency.

Sec. 4. Money received under Section 101 of HAVA shall be used for the following purposes:

(1) To reimburse counties for the purchase of new voting systems purchased after November 7, 2000, to the extent that money received under Section 102 of HAVA is insufficient for this purpose.

(2) To reimburse counties for upgrade or expansion of existing voting systems to comply with requirements of HAVA.

(3) Any other purpose authorized by this title and under Section 101 of HAVA.

Sec. 5. (a) Money received under Section 102 of HAVA shall be used to reimburse counties for the purchase of voting systems:

(1) acquired after November 7, 2000; and

(2) to replace:

(A) punch card voting systems; or

(B) voting machine systems.

(b) A county may be reimbursed under this section an amount not more than the amount determined by STEP TWO of the following formula:

STEP ONE: Determine the number of precincts in the county that used a punch card voting system or a voting machine system at the November 2000 general election.

STEP TWO: Multiply the number determined in STEP ONE by four thousand dollars ($4,000).

Sec. 6. (a) Except as provided in subsection (b), money received under 42 U.S.C. 15401 through 42 U.S.C. 15408 shall be used to comply with the requirements of 42 U.S.C. 15481 through 42 U.S.C. 15502.

(b) As provided in 42 U.S.C. 15401(b), money received under 42 U.S.C. 15401 through 42 U.S.C. 15408 may be used for other purposes authorized by Section 101 of HAVA if the election division makes the certification required by 42 U.S.C. 15401(b)(2)(B).

(c) If the election division makes the certification described in subsection (b), the election division may transfer amounts that do not in total exceed the amount described in 42 U.S.C. 15401(b)(2)(B) from the account for money received under 42 U.S.C. 15401 through 42 U.S.C. 15408 to the Section 101 account in the fund.

Sec. 7. (a) To receive reimbursement for purchase of voting systems under this chapter, a county must make application to the budget agency.

(b) The budget agency, after review by the budget committee, shall approve a county's application for reimbursement under this chapter if the budget agency determines either of the following:

(1) That the county has purchased or has obligated to purchase a new voting system to replace a punch card voting system or a voting machine system after November 7, 2000.

(2) That the county has purchased or has obligated to purchase an upgrade or expansion of existing voting systems to comply with requirements of the federal act.

(c) The budget agency shall give priority to applications under subsection (b)(1) when approving applications under this section.

(d) If a county's application is approved under this section, the election division shall reimburse a county from the fund.

(e) Payment of money from the fund is subject to the availability of money in the fund and the requirements of this chapter and HAVA.

Sec. 8. (a) As used in this section, "department" refers to the Indiana department of administration established by IC 4-13-1-2.

(b) The department shall award quantity purchase agreements to vendors for new voting systems or upgrades or expansion of existing voting systems by counties.

(c) The department may not issue a quantity purchase agreement for a voting system that does not satisfy the requirements for voting systems established under this title.

(d) A quantity purchase agreement awarded under this section must include options for a county to:

(1) purchase;

(2) lease-purchase; or

(3) lease;

new voting systems or upgrades or expansion of existing voting systems.

(e) A quantity purchase agreement awarded under IC 3-11-6.5-1 (before its repeal) that otherwise complies with the requirements of this section is valid under this section.

Sec. 9. Before January 1, 2006, each county shall enter into an agreement to purchase at least one (1) voting system for each polling place in the county to meet the standards required by IC 3-11-15-13.

SECTION 7. IC 3-6-4.2-15 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 15. (a) The co-directors of the election division shall apply to the Secretary of Health and Human Services for payments under 42 U.S.C. 15421 through 42 U.S.C. 15425 to do the following:**

(1) Make polling places, including parking, the path of travel, entrances, exits, and voting areas of each polling place, accessible to individuals with disabilities, including the blind and visually impaired, in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters.

(2) Provide individuals with disabilities and the other individuals described in subdivision (1) with information about the accessibility of polling places, including outreach programs to inform those individuals about the availability of accessible polling places.

(3) Train election officials, poll workers, and election volunteers on how best to promote the access and participation of individuals with disabilities in elections for federal office.

(b) If the co-directors receive payments from the United States Department of Health and Human Services under 42 U.S.C. 15421 through 42 U.S.C. 15425, the co-directors shall spend the money as described in the application submitted by the co-directors under 42 U.S.C. 15423.

(c) Money received by the co-directors under this section is continuously appropriated for the purposes described in subsection (a).

SECTION 8. IC 3-6-4.2-15.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 15.1. As required by 42 U.S.C. 1973ff-1(b), the election division is designated as the single office responsible for providing information regarding voter registration procedures and absentee ballot procedures to be used by absent uniformed services voters and overseas voters.**

SECTION 9. IC 3-6-4.2-16 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 16. (a) As required by 42 U.S.C. 1973ff-1(c), not later than ninety (90) days after the date of each regularly scheduled general election for federal offices, the election division shall submit to the federal Election Assistance Commission the following information:**

(1) The combined number of absentee ballots transmitted to absent uniformed services voters and overseas voters for the election.

(2) The combined number of absentee ballots returned and cast by absent uniformed services voters and overseas voters at the election.

(b) The county election board of each county shall assist the election division in compiling the information required by this section. The county election board shall provide information required by the election division under this section not later than deadlines established by the election division.

SECTION 10. IC 3-7-11-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. The NVRA official shall do the following:

(1) Coordinate with the commission to oversee the implementation and administration of NVRA by the state, county, municipal, and nongovernmental offices designated as registration sites under this article.

(2) Develop training programs to assist the offices described in subdivision (1) in properly administering registration services.

(3) Protect the fundamental rights of voters.

(4) Consult with the federal Election **Assistance** Commission under 42 U.S.C. 1973gg-7 to develop a federal mail registration form.

(5) Comply with 42 U.S.C. 1973gg-4(b) by making federal and state mail registration forms available for distribution through governmental and private entities, with particular emphasis on making the forms available for organized voter registration programs.

(6) Comply with 42 U.S.C. 1973gg-6(g) by notifying a county registration officer whenever the NVRA official receives information from a United States attorney that:

(A) a person has been convicted of a felony in a district court of the United States; or

(B) the conviction has been overturned.

(7) Receive notices from voter registration agencies in other states indicating that a person has registered in that state and requests that the person's registration in Indiana be canceled.

(8) Forward notices received under subdivision (7) to the appropriate circuit court clerk or board of registration for cancellation of the voter's registration as provided in 42 U.S.C. 1973gg-6(a)(3)(A).

(9) Assist the federal Election **Assistance** Commission under 42 U.S.C. 1973gg-7(a)(3) by preparing reports concerning the impact of NVRA on election administration in Indiana.

(10) Recommend improvements to the federal Election **Assistance** Commission concerning federal and state procedures, forms, or other matters affected by NVRA.

(11) Develop public awareness programs to assist voters in understanding the services available to them under NVRA.

SECTION 11. IC 3-7-13-13, AS AMENDED BY P.L.126-2002, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 13. (a) Except as provided in ~~subsection~~ **subsections** (b) **and (c),** when an individual registers to vote, the individual must provide the individual's driver's license number issued under IC 9-24-11. ~~or the individual's identification card number issued under IC 9-24-16.~~

(b) If an individual does not have a driver's license issued under IC 9-24-11, ~~or an identification card issued under IC 9-24-16,~~ the individual must provide the last four (4) digits of the individual's Social Security number when the individual registers to vote.

(c) **If an individual does not have a Social Security number, the individual shall be assigned a number by the statewide voter registration file.**

(d) The number provided by the individual under subsection (a) or (b) **or the number assigned under subsection (c)** is the individual's voter identification number.

~~(d) A voter's voter identification number may not be changed unless the voter made an error when providing the number when registering to vote.~~

(e) If a voter transfers the voter's registration and the voter's voter identification number is not included in the voter's registration records, the voter registration officer of the county in which the voter's registration is to be transferred shall require the voter to provide the number required by subsection (a) or (b) before the voter's registration is transferred. **If the voter does not have any of the numbers described in subsection (a) or (b), a voter identification number shall be assigned to the voter as provided in subsection (c).**

SECTION 12. IC 3-7-22-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. As provided in 42 U.S.C. 1973gg-4(a)(1), a circuit court clerk or board of registration shall accept and use the mail voter registration form prescribed by the federal Election **Assistance** Commission under 42 U.S.C. 1973gg-7(a)(2).

SECTION 13. IC 3-7-22-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5. A mail registration form prescribed under section 3 of this chapter must meet the following requirements:

(1) The form must include a statement that does the following:

(A) Sets forth each eligibility requirement for registration (including citizenship).

(B) Contains an attestation that the applicant meets each of the eligibility requirements.

(C) Requires the signature of the applicant, under penalty of perjury.

(2) The form must include, in print that is identical to the print used in the attestation part of the application, information setting forth the penalties provided by law for submission of a false voter registration application.

(3) The form must include the questions and the information required by 42 U.S.C. 15483(b)(4)(A).

(4) The form must include a statement informing an individual who registers by mail of the identification requirements described in 42 U.S.C. 15483(b).

SECTION 14. IC 3-7-22-5.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 5.5. (a) If an individual who submits a registration form under this chapter fails to answer the question required by 42 U.S.C. 15483(b)(4)(A)(i), the county voter registration office shall:**

(1) notify the individual of the failure; and

(2) provide the individual with an opportunity to complete the form in a timely manner to allow for completion of the registration form before the next election for federal office.

(b) As provided by 42 U.S.C. 15483(b)(4)(B), if the individual does not complete the form before the deadline provided in this article, the individual may not vote at the next election.

SECTION 15. IC 3-7-22-10 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 10. (a) This section applies to a voter who:**

(1) registers under this chapter; and

(2) has not previously voted in an election for a federal office in Indiana.

(b) This section does not apply to a voter who registers under this chapter if any of the following apply:

(1) The voter has submitted with the voter's registration form identifying information.

(2) The voter has submitted with the voter's registration form the voter's voter identification number, and the voter's identification number is matched with an existing state identification record that contains the same:

(A) voter identification record number;

(B) name; and

(C) date of birth;

that are shown on the voter's voter registration form.

(3) The voter satisfies any of the following:

(A) The voter is entitled to vote by absentee ballot under the federal Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1 et seq.).

(B) The voter is provided the right to vote otherwise than in person under Section 3(b)(2)(B)(ii) of the federal Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee-1(b)(2)(B)(ii)).

(C) The voter is entitled to vote otherwise than in person under any other federal law.

(c) The county voter registration office shall make notations on the voter's voter registration records and on the poll list to indicate that:

(1) the voter must be required to show identifying information before the voter is permitted to vote, for a voter who votes in person; or

(2) the absentee ballots submitted by the voter should be treated as a provisional ballot unless the voter submits identifying information with the voter's absentee ballots.

(d) The county voter registration office shall remove the notation described in subsection (c) after the voter votes in an election for a federal office.

SECTION 16. IC 3-7-26-2, AS AMENDED BY P.L.199-2001, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. (a) The election division shall develop and maintain a statewide voter registration file.

(b) Subject to section 20 of this chapter, not later than ~~July~~ **January** 1, 2004, the election division shall maintain the statewide voter registration file so that the file is accessible by the election division and county voter registration offices through a secure connection over the Internet.

(c) The statewide voter registration file must comply with the standards and requirements described in 42 U.S.C. 15483.

SECTION 17. IC 3-7-26-3, AS AMENDED BY P.L.199-2001, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3. (a) Each county voter registration office shall provide the voter registration information required under section 7 of this chapter to the election division.

(b) The voter registration office shall ~~periodically~~ update the voter registration information as provided in this chapter and in IC 3-7-38.1.

(c) The election division shall format the statewide voter registration file required under section 2(b) of this chapter so that only the county voter registration office of a particular county is able to change data in the file for that particular county's voters.

SECTION 18. IC 3-7-26-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4. ~~Each year The circuit court clerk or board of registration~~ **county voter registration office** shall submit the information ~~before noon February 15, current as of February 1.~~ **to the statewide voter registration file on an expedited basis at the time the information is provided to the county voter registration office.**

SECTION 19. IC 3-7-26-8, AS AMENDED BY P.L.199-2001, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 8. (a) Until a county has the capability to transmit the information over the Internet as required under subsection (b), the information required by section 7 of this chapter shall be provided on magnetic media or other machine readable form to the election division.

(b) Subject to section 20 of this chapter, not later than ~~July~~ **January** 1, 2004, a county voter registration office shall transmit the information required by section 7 of this chapter to the election division over the Internet, in a manner and using a method prescribed by the election division, through a secure connection to the statewide voter registration file.

(c) The commission shall prescribe a format to ensure the standardization and readability of the data provided under subsection (a) or (b).

SECTION 20. IC 3-7-26-20, AS ADDED BY P.L.199-2001, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 20. (a) As used in this section, "file" refers to the statewide voter registration file developed and maintained under section 2 of this chapter.

(b) Notwithstanding the deadlines for implementation of the file required by section 2 or ~~section~~ 8 of this chapter, the election division may delay implementation of all or any part of the operation of the file required by section 2 or ~~section~~ 8 of this chapter if ~~the commission adopts a resolution to delay implementation;~~ **the election division makes the certification to the federal Election Assistance Commission required by 42 U.S.C. 15483(d)(1)(B).**

~~(c) A resolution adopted under subsection (b) must contain all of the following:~~

~~(1) A statement of the reasons for the delay of implementation.~~

~~(2) A statement by the commission that the commission considers the reasons stated under subdivision (1) as sufficient cause to delay implementation.~~

~~(3) A new deadline for implementation of the part of the operation of the file that is delayed under the resolution.~~

~~(d) The commission may do the following:~~

~~(1) amend a resolution adopted under this section.~~

~~(2) Adopt more than one (1) resolution under this section.~~

~~(e)~~ **(c)** Not later than thirty (30) days after the ~~commission adopts~~ **election division makes** a ~~resolution~~ **certification** under this section, the election division shall send a copy of the ~~resolution~~ **certification required by subsection (b)** to the following:

(1) The legislative council.

(2) The census data advisory committee established by IC 2-5-19-2.

(d) This section expires January 1, 2006.

SECTION 21. IC 3-7-26.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]:

Chapter 26.5. Statewide Voter Registration Advisory Committee

Sec. 1. As used in this chapter, "committee" refers to the statewide voter registration advisory committee established by section 2 of this chapter.

Sec. 2. The statewide voter registration advisory committee is established.

Sec. 3. The committee consists of the following:

(1) The co-directors of the election division.

(2) The circuit court clerks of the two (2) most populous counties in Indiana as required by 42 U.S.C. 15405.

(3) Other individuals appointed by the co-directors in conformance with 42 U.S.C. 15405.

Sec. 4. The committee shall assist in developing the state plan required by 42 U.S.C. 15404.

Sec. 5. In developing the state plan, the committee shall comply with 42 U.S.C. 15401 through 42 U.S.C. 15408.

Sec. 6. (a) For purposes of this section, an individual who holds:

(1) a state office is considered an employee of the state; or

(2) an office of a political subdivision is considered an employee of the political subdivision.

(b) Each member of the committee who is not a state employee or an employee of a political subdivision is entitled to receive both of the following:

(1) The minimum salary per diem provided by IC 4-10-11-2.1(b).

(2) Reimbursement for travel expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

(c) Each member of the committee who is a state employee or an employee of a political subdivision is entitled to reimbursement for travel expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

Sec. 7. The committee's expenses shall be paid from the Section 101 account of the election administration fund established by IC 3-5-9-3.

SECTION 22. IC 3-11-3-11, AS AMENDED BY P.L.126-2002, SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 11. The county election board shall deliver the following to each inspector or the inspector's representative:

(1) The sealed package of paper ballots, provisional ballots, sample ballots, and any other supplies provided for the inspector's precinct by the election division.

(2) The local sample ballots, the ballot labels, if any, and all poll lists, registration lists, and other supplies considered necessary to conduct the election in the inspector's precinct.

(3) The local ballots printed under the direction of the county election board as follows:

(A) The number of ballots equal to one hundred percent (100%) of the number of voters in the inspector's precinct, according to the poll list.

(B) In those precincts where voting machines, ballot card systems, or electronic voting systems are to be used, the number of paper ballots that will be required for emergency purposes only.

(C) Provisional ballots in the number considered necessary by the county election board.

(4) Twenty (20) ink pens suitable for printing the names of write-in candidates on the ballot or ballot envelope.

(5) Copies of the instructions to provisional voters prescribed by the county election board under IC 3-11.7-6-3. The county election board shall provide at least the number of copies of the instructions as the number of provisional ballots provided under this section.

SECTION 23. IC 3-11-4-6, AS AMENDED BY P.L.126-2002, SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 6. (a) This section applies, notwithstanding any other provision of this title, to absentee ballot applications for the following:

(1) An absent uniformed services voter.

(2) An address confidentiality program participant (as defined in IC 5-26.5-1-6).

(3) An overseas voter.

(b) A county election board shall make blank absentee ballot applications available for persons covered by this section after November 20 preceding the election to which the application applies. Except as provided in subsection (c), the person may apply for an absentee ballot at any time after the applications are made available.

(c) A person covered by this section may apply for an absentee ballot for the next scheduled primary, general, or special election at any time by filing a standard form approved under 42 U.S.C. 1973ff(b).

~~(d) If the county election board receives an absentee ballot application from a person described by this section, the circuit court clerk shall mail to the person, free of postage as provided by 39 U.S.C. 3406, all ballots for the election immediately upon receipt of the ballots under sections 13 and 15 of this chapter.~~

~~(c)~~ **(d)** Whenever a voter ~~described in subsection (a)~~ files an application for a primary election absentee ballot and indicates on the application that:

(1) the voter is an absent uniformed services voter; ~~and does not expect to be in the county on general election day and on the date of any special election conducted during the twelve (12) months following the date of the application;~~

~~(2) the voter is an address confidentiality program participant;~~ or

~~(3)~~ **(2)** the voter is an overseas voter; ~~and does not expect to be in the county on general election day and on the date of any special election conducted during the twelve (12) months following the date of the application;~~

the application is an adequate application for ~~a general election~~ absentee ~~ballot~~ **ballots** under this chapter ~~and an absentee ballot~~ for ~~a special~~ **each** election ~~conducted during the twelve (12) months~~ **for federal office through the next two (2) regularly scheduled general elections for federal office** following the date of the application. **The circuit court clerk shall mail to the person, free of postage as provided by 39 U.S.C. 3406, all ballots for the election immediately after the circuit court clerk receives the ballots under sections 13 and 15 of this chapter.**

(e) Whenever a voter files an application for an absentee ballot and indicates on the application that the voter is an address confidentiality program participant, the application is an adequate application for an absentee ballot under this chapter for each election conducted during the year for which the application is made.

(f) The circuit court clerk and county election board shall process ~~this application~~ **applications submitted under this section** and send ~~general election and special election~~ absentee ballots to the voter in the same manner as other ~~general election and special election~~ absentee ballot applications and ballots are processed and sent under this chapter.

~~(f)~~ **(g)** The name, address, telephone number, and any other identifying information relating to a program participant (as defined in IC 5-26.5-1-6) in the address confidentiality program, as contained in a voting registration record, is declared confidential for purposes of IC 5-14-3-4(a)(1). The county voter registration office may not disclose for public inspection or copying a name, an address, a telephone number, or any other information described in this subsection, as contained in a voting registration record, except as follows:

(1) To a law enforcement agency, upon request.

(2) As directed by a court order.

~~(g)~~ **(h)** The county election board shall transmit and receive absentee ballots by fax to an absent uniformed services voter or an

overseas voter at the request of the voter. If the voter wants to submit absentee ballots by fax, the voter must separately sign and date a statement on the cover of the fax transmission that states substantively the following: "I understand that by faxing my voted ballot I am voluntarily waiving my right to a secret ballot.".

~~(h)~~ **(i)** The county election board shall send confirmation to a voter described in subsection ~~(g)~~ **(h)** that the voter's absentee ballot has been received as follows:

(1) If the voter provides a fax number to which a confirmation may be sent, the county election board shall send the confirmation to the voter at the fax number provided by the voter.

(2) If the voter provides an electronic mail address to which a confirmation may be sent, the county election board shall send the confirmation to the voter at the electronic mail address provided by the voter.

(3) If the voter does not provide a fax number or an electronic mail address, the county election board shall send the confirmation by United States mail.

The county election board shall send the confirmation required by this subsection not later than the end of the first business day after the county election board receives the voter's absentee ballot.

(j) If an absentee ballot application from an absent uniformed services voter or an overseas voter is rejected, the county election board shall provide the voter with the reasons for the rejection in the same manner as a confirmation is sent under subsection (i).

SECTION 24. IC 3-11-5-27 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 27. This chapter expires January 1, 2006.**

SECTION 25. IC 3-11-7-1, AS AMENDED BY P.L.239-2001, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. (a) The commission must approve a ballot card voting system before it may be used in an election.

(b) After June 30, 2001, the commission may not approve a punch card voting system for use in an election.

(c) After December 31, 2003, a punch card voting system may not be used in an election.

SECTION 26. IC 3-11-8-25, AS AMENDED BY P.L.199-2001, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 25. (a) After a voter has passed the challengers or has been sworn in, the voter shall be admitted to the polls. Upon entering the polls, the voter shall announce the voter's name to the poll clerks or assistant poll clerks. A poll clerk, an assistant poll clerk, or a member of the precinct election board shall require the voter to **do the following:**

(1) Write the following on the poll list:

~~(1)~~ **(A)** The voter's name.

~~(2)~~ **(B)** The voter's current residence address.

(2) Show identifying information if a notation has been made for the voter's name on the poll list under IC 3-7-22-10.

(b) The poll clerk, an assistant poll clerk, or a member of the precinct election board shall:

(1) ask the voter to provide the voter's voter identification number;

(2) tell the voter the number the voter may use as a voter identification number; and

(3) explain to the voter that the voter is not required to provide a voter identification number at the polls.

(c) This subsection does not apply to a precinct in a county with a computerized registration system whose inspector was:

(1) furnished with a list certified under IC 3-7-29; and

(2) not furnished with a certified photocopy of the signature on the affidavit of registration of each voter of the precinct for the comparison of signatures under this section.

In case of doubt concerning a voter's identity, the precinct election board shall compare the voter's signature with the signature on the affidavit of registration or any certified copy of the signature provided under IC 3-7-29. If the board determines that the voter's signature is authentic, the voter may then vote. If either poll clerk doubts the voter's identity following comparison of the signatures the poll clerk shall challenge the voter in the manner prescribed by section 21 of this chapter.

(d) If, in a precinct governed by subsection (c):

(1) the poll clerk does not execute a challenger's affidavit; or

(2) the voter executes a challenged voter's affidavit under section 22 of this chapter or had executed the affidavit before signing the poll list;

the voter may then vote.

SECTION 27. IC 3-11-10-1, AS AMENDED BY P.L.126-2002, SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. (a) A voter voting by absentee ballot shall make and subscribe to the affidavit prescribed by IC 3-11-4-21. The voter then shall, except as provided in subsection (b), do the following:

(1) Mark the ballot in the presence of no other person.

(2) Fold each ballot separately.

(3) Fold each ballot so as to conceal the marking.

(4) Enclose each ballot, with the seal and signature of the circuit court clerk on the outside, together with any unused ballot, in the envelope provided.

(5) Securely seal the envelope.

(6) **If IC 3-7-22-10 applies to the voter, place a copy of identifying information:**

(A) in the envelope in which the ballots are mailed; and

(B) not in the envelope described in subdivision (5).

(7) Do one (1) of the following:

(A) Mail the envelope to the county election board, with not more than one (1) ballot per envelope.

(B) Deliver the envelope to the county election board in person.

(C) Deliver the envelope to a member of the voter's household or a person designated as the attorney in fact for the voter under IC 30-5.

(b) A voter permitted to transmit the voter's absentee ballots by fax under IC 3-11-4-6 is not required to comply with subsection (a). The individual designated by the circuit court clerk to receive absentee ballots transmitted by fax shall do the following upon receipt of an absentee ballot transmitted by fax:

(1) Note the receipt of the absentee ballot in the records of the circuit court clerk as other absentee ballots received by the circuit court clerk are noted.

(2) Fold each ballot received from the voter separately so as to conceal the marking.

(3) Enclose each ballot in a blank absentee ballot envelope.

(4) Securely seal the envelope.

(5) Mark on the envelope: "Absentee Ballot Received by Fax".

(6) Securely attach to the envelope the faxed affidavit received with the voter's absentee ballots.

(c) Except as otherwise provided in this title, absentee ballots received by fax shall be handled and processed as other absentee ballots received by the circuit court clerk are handled and processed.

SECTION 28. IC 3-11-10-4, AS AMENDED BY P.L.126-2002, SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4. (a) Upon receipt of an absentee ballot, a county election board (or the absentee voter board in the office of the circuit court clerk) shall immediately examine the signature of the absentee voter to determine its genuineness.

(b) This subsection does not apply to an absentee ballot cast by a voter permitted to transmit the voter's absentee ballots by fax under IC 3-11-4-6. The board shall compare the signature as it appears upon the envelope containing the absentee ballot with the signature of the voter as it appears upon the application for the absentee ballot. The board may also compare the signature on the ballot envelope with any other admittedly genuine signature of the voter.

(c) This subsection applies to an absentee ballot cast by a voter permitted to transmit the voter's absentee ballots by fax under IC 3-11-4-6. The board shall compare the signature as it appears on the affidavit transmitted with the voter's absentee ballot to the voter's signature as it appears on the application for the absentee ballot. The board may also compare the signature on the affidavit with any other

admittedly genuine signature of the voter.

(d) **This subsection applies to the absentee ballots cast by a voter to whom IC 3-7-22-10 applies. If identifying information is not included with the absentee ballot envelope, the board shall write on the ballot envelope that the ballots must be treated as provisional ballots under IC 3-11.7.**

(e) If a member of the absentee voter board questions whether a signature on a ballot envelope or transmitted affidavit is genuine, the matter shall be referred to the county election board for consideration under section 5 of this chapter.

SECTION 29. IC 3-11-10-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 12. (a) Each county election board shall have all absentee ballots **(including absentee ballots required to be treated as provisional ballots)** delivered to the precinct election boards at their respective polls on election day.

(b) The absentee ballots shall be delivered during the hours that the polls are open and in sufficient time to enable the precinct election boards to vote the ballots during the time the polls are open.

(c) This subsection applies to a special write-in absentee ballot described in:

(1) 42 U.S.C. 1973ff for federal offices; and

(2) IC 3-11-4-12(d) for state offices.

If the county election board receives both a special write-in absentee ballot and the regular absentee ballot described by IC 3-11-4-12 from the same voter, the county election board shall reject the special write-in ballot and deliver only the regular absentee ballot to the precinct election board.

SECTION 30. IC 3-11-10-16, AS AMENDED BY P.L.126-2002, SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 16. (a) If the inspector finds under section 15 of this chapter that:

(1) the affidavit is properly executed;

(2) the signatures correspond;

(3) the absentee voter is a qualified voter of the precinct;

(4) the absentee voter is registered;

(5) the absentee voter has not voted in person at the election; ~~and~~

(6) in case of a primary election, if the absentee voter has not previously voted, the absentee voter has executed the proper declaration relative to age and qualifications and the political party with which the absentee voter intends to affiliate; **and**

(7) the absentee ballot is not required to be treated as a provisional ballot as provided in section 4 of this chapter;

then the inspector shall open the envelope containing the absentee ballots so as not to deface or destroy the affidavit and take out each ballot enclosed without unfolding or permitting a ballot to be unfolded or examined.

(b) The inspector shall then hand the ballots to the judges who shall deposit the ballots in the proper ballot box and enter the absentee voter's name on the poll list, as if the absentee voter had been present and voted in person. If the voter has registered and voted under IC 3-7-36-14, the inspector shall attach to the poll list the circuit court clerk's certification that the voter has registered.

(c) If an absentee ballot is opened under this section in a precinct using voting machines, the precinct election board shall prepare certificates and memoranda under IC 3-12-2-6 that distinguish the votes cast by absentee ballots from votes cast on voting machines.

SECTION 31. IC 3-11-10-28 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 28. **(a)** A voter voting before an absentee voter board shall mark the voter's ballot in the presence of the board, but not in such a manner that either of the members of the board can see for whom the voter voted, unless the voter requests the help of the board in marking a ballot under IC 3-11-9.

(b) The voter shall then, in the presence of the board, place the ballot in an envelope furnished by the county election board.

(c) The circuit court clerk shall provide, to the extent practicable, the same degree of privacy to absentee voters voting at the office of the circuit court clerk as provided to voters at the polls on election day.

(d) If the voter is a voter to whom IC 3-7-22-10 applies, the voter must show identifying information before the voter votes under this section. If the voter does not have identifying information, the voter's ballots shall be treated as provisional ballots under IC 3-11.7.

SECTION 32. IC 3-11-10-35 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 35. **(a) This section does not apply to an absentee ballot required to be treated as a provisional ballot.**

(b) If an envelope containing an absentee ballot has not been opened before the close of the polls, then the envelope may not be opened without an order of a court.

SECTION 33. IC 3-11-15-13, AS AMENDED BY P.L.126-2002, SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 13. (a) ~~Except as provided in this chapter,~~ To be approved for use in Indiana, a voting system shall meet **the following standards:**

(1) A voting system must be accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters. A county complies with the standards described in this subdivision if each polling place in the county has at least one (1) voting system equipped for individuals with disabilities that complies with the standards described in this subdivision.

(2) A voting system must do the following:

(A) Permit the voter to verify (in a private and independent manner) the votes selected by the voter on the ballot before the ballot is cast and counted.

(B) Provide the voter with the opportunity (in a private and independent manner) to change the ballot or correct any error before the ballot is cast and counted (including the opportunity to correct the error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct any error).

(C) If the voter selects votes for more than one (1) candidate for a single office, the voting system must:

(i) notify the voter that the voter has selected more than one (1) candidate for a single office on the ballot;

(ii) notify the voter before the ballot is cast and counted of the effect of casting multiple votes for the office; and

(iii) provide the voter with the opportunity to correct the ballot before the ballot is cast and counted.

A voting system must ensure that any notification required under this clause preserves the privacy of the voter and the confidentiality of the ballot.

(3) A voting system must produce a record with an audit capacity for the voting system that satisfies the following:

(A) The voting system must produce a permanent paper record with a manual audit capacity for the voting system.

(B) The voting system must provide the voter with an opportunity to change the ballot or correct any error before the permanent paper record is produced.

(C) The paper record produced under clause (A) must be available as an official record for any recount conducted with respect to any election in which the voting system is used.

(4) A voting system must provide alternative language accessibility under the requirements of 42 U.S.C. 1973aa–1a.

(5) The error rate of a voting system in counting ballots (determined by taking into account only those errors that are attributable to the voting system and not attributable to an act of the voter) must comply with the error rate standards established by the Voting Systems Standards approved by the Federal Election Commission on April 30, 2002.

(6) A voting system must meet the **Voting System** Standards ~~established by the Performance and Test Standards for Punchcard, Marksense, and Direct Recording Electronic Voting Systems issued~~ **approved** by the Federal Election Commission

on ~~January 25, 1990.~~ **April 30, 2002.**

(b) The commission may adopt rules under IC 4-22-2 to require a voting system to meet standards more recent than standards described in subsection ~~(a).~~ **(a)(6).** If the commission adopts rules under this subsection, a voting system must meet the standards described in the rules instead of the standards described in subsection ~~(a).~~ **(a)(6).**

SECTION 34. IC 3-11.7-2-1, AS ADDED BY P.L.126-2002, SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. **(a) This section applies to the following individuals:**

(1) An individual:

~~(1)~~ **(A)** whose name does not appear on the registration list; and

~~(2)~~ **(B)** who is not permitted to vote under IC 3-7-48-1, IC 3-7-48-5, IC 3-7-48-7, IC 3-10-10, IC 3-10-11-2, or IC 3-10-12.

(2) An individual who seeks to vote in an election as a result of a court order or any other order extending the time established for closing the polls under IC 3-11-8-8.

(3) An individual required to show identifying information under this title who does not have any of the identifying information.

(b) A member of the precinct election board shall inform an individual described in subsection (a)(1) that the individual may cast a provisional ballot if the individual executes an affidavit described in IC 3-11-8-23.

(c) A member of the precinct election board shall inform an individual described in subsection (a)(2) that the individual may cast a provisional ballot.

(d) The ballots of an individual described in subsection (a)(3) shall be treated as a provisional ballot under this article.

SECTION 35. IC 3-11.7-2-2, AS ADDED BY P.L.126-2002, SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. (a) A provisional voter shall do the following:

(1) Mark the ballot in the presence of no other person, unless the voter requests help in marking a ballot under IC 3-11-9.

(2) Fold each ballot separately.

(3) Fold each ballot so as to conceal the marking.

(4) Enclose each ballot, with the seal and signature of the circuit court clerk on the outside, together with any unused ballot, in the envelope provided by the county election board under IC 3-11.7-1-8.

(5) Securely seal the envelope.

(b) A provisional voter may mark a ballot with a pen or a lead pencil.

(c) This subsection applies to a provisional voter described in section 1(a)(1) or 1(a)(2) of this chapter. Upon receiving the envelope containing the provisional voter's ballots, a member of the precinct election board shall give the provisional voter the written instructions prescribed by the county election board under IC 3-11.7-6-3.

SECTION 36. IC 3-11.7-2-3, AS ADDED BY P.L.126-2002, SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3. (a) The precinct election board shall affix to the envelope the challenger's affidavit and the affidavit executed by the provisional voter under section 1 of this chapter.

(b) **Except as provided in subsection (c),** the precinct election board shall securely keep the sealed envelope, along with the affidavits affixed to the envelope, in another envelope or container marked "Provisional Ballots".

(c) This subsection applies to the sealed envelope and affixed affidavits of a provisional voter described in section 1(a)(2) of this chapter. The precinct election board shall securely keep the sealed envelope in an envelope or container different from the envelope or container described in subsection (b). The envelope or container described in this subsection must be marked "Special Order Provisional Ballots".

SECTION 37. IC 3-11.7-2-4, AS ADDED BY P.L.126-2002, SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4. **(a)** At the close of the polls, the precinct election board shall **do the following:**

(1) Seal:

~~(1)~~ **(A)** all the provisional ballots; and

~~(2)~~ **(B)** any spoiled provisional ballots;

of provisional voters other than provisional voters described in section 1(a)(2) of this chapter in the container described in section 3(b) of this chapter and mark on the container the number of provisional ballots contained.

(2) Seal:

(A) all the provisional ballots; and

(B) any spoiled provisional ballots;

of provisional voters described in section 1(a)(2) of this chapter in the container described in section 3(c) of this chapter and mark on the container the number of provisional ballots contained.

(b) The inspector shall return the ~~container~~ **containers** with all the provisional ballots to the circuit court clerk after the close of the polls.

SECTION 38. IC 3-11.7-6-3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 3. (a) The county election board shall establish a toll free telephone number or an Internet web site that will enable a provisional voter to ascertain:**

(1) whether the provisional voter's ballots have been counted; and

(2) if the provisional voter's ballots have not been counted, the reason that the ballots were not counted.

(b) The county election board shall prescribe written instructions that inform a provisional voter how the provisional voter may ascertain whether the provisional voter's ballots have been counted.

SECTION 39. IC 5-26.5-2-5, AS ADDED BY P.L.273-2001, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5. A program participant who is otherwise qualified to vote may apply to vote ~~in the same manner as an absent uniformed services voter under~~ **provided in** IC 3-11-4-6.

SECTION 40. IC 3-11-6.5 IS REPEALED [EFFECTIVE JULY 1, 2003].

SECTION 41. [EFFECTIVE JULY 1, 2003] **(a) As used in this SECTION, "committee" refers to the state election administration interim study committee established by subsection (b).**

(b) There is established the state election administration interim study committee.

(c) The committee shall do the following:

(1) Study the structure of the state's election administration system.

(2) Study other issues relating to the administration of state elections that the committee considers relevant.

(3) Study any issues assigned to the committee by the legislative council.

(4) Make recommendations for legislation regarding issues studied under subdivisions (1) through (3).

(d) The committee shall operate under the policies governing study committees adopted by the legislative council.

(e) The affirmative votes of a majority of the voting members appointed to the committee are required for the committee to take action on any measure, including final reports.

(f) This SECTION expires January 1, 2004.

SECTION 42. [EFFECTIVE UPON PASSAGE] **(a) As used in this SECTION, "federal act" refers to the federal Help America Vote Act of 2002.**

(b) Not later than April 15, 2003, the governor, in consultation and coordination with the secretary of state, shall notify the federal Administrator of General Services that the state of Indiana intends to use payments under Section 101 of the federal act in accordance with Section 101 of the federal act.

(c) This SECTION expires January 1, 2004.

SECTION 43. [EFFECTIVE UPON PASSAGE] **(a) As used in this SECTION, "federal act" refers to the federal Help America Vote Act of 2002.**

(b) Not later than April 15, 2003, the governor, in consultation and coordination with the secretary of state, shall give the notice

to the federal Administrator of General Services under Section 102(b) of the federal act in accordance with Section 102 of the federal act.

(c) This SECTION expires January 1, 2004.

SECTION 44. [EFFECTIVE UPON PASSAGE] **(a) As used in this SECTION, "federal act" refers to the federal Help America Vote Act of 2002.**

(b) Not later than July 1, 2003, the governor, in consultation and coordination with the co-directors of the election division appointed under IC 3-6-4.2-3, shall file with the federal Election Assistance Commission the statement required by Section 253(a) of the federal act.

(c) This SECTION expires January 1, 2004.

SECTION 45. [EFFECTIVE JULY 1, 2003] **(a) As used in this SECTION, "federal act" refers to the federal Help America Vote Act of 2002.**

(b) Notwithstanding IC 3-11-5-1(c), as amended by this act, a voting machine system may be used in an election if the secretary of state certifies to the federal Administrator of General Services under Section 102(a)(3)(B) of the federal act that the state cannot replace all voting machine systems in Indiana before January 1, 2004.

(c) Notwithstanding IC 3-11-7-1(c), as amended by this act, a punch card voting system may be used in an election if the secretary of state certifies to the federal Administrator of General Services under Section 102(a)(3)(B) of the federal act that the state cannot replace all punch card voting systems in Indiana before January 1, 2004.

(d) This SECTION expires January 1, 2006.

SECTION 46. [EFFECTIVE JULY 1, 2003] **(a) As used in this SECTION, "commission" refers to the Indiana protection and advocacy services commission established by IC 12-28-1-6.**

(b) As used in this SECTION, "federal act" refers to Title II, Subtitle D, Part 5 of the federal Help America Vote Act of 2002.

(c) All money received by the commission from the Secretary of Health and Human Services under the federal act is appropriated beginning July 1, 2003, for activities permitted under the federal act to ensure full participation in the electoral process for individuals with disabilities, including registering to vote, casting a vote, and accessing polling places.

(d) This SECTION expires July 1, 2005.

SECTION 47. **An emergency is declared for this act.**

(Reference is to SB 268 as printed February 28, 2003.)

and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 0.

MAHERN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, Ethics and Veterans Affairs, to which was referred Engrossed Senate Bill 280, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 3, strike "July 31," and insert **May 31,**".

Page 1, line 3, strike "January 1" and insert "**November 1 of the immediately preceding calendar year through April 30.**".

Page 1, line 4, strike "through June 30.".

Page 1, line 5 strike "January".

Page 1, line 5, delete "10,".

Page 1, line 5, strike "covering the period from July 1 through December 31".

Page 1, line 6, strike "of the immediately preceding calendar year." and insert "**November 30, covering the period from May 1 through October 31.**".

Page 1, after line 16, begin a new paragraph and insert:

"SECTION 2. IC 2-7-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3. (a) The activity reports of each lobbyist shall include the following:

(1) A complete and current statement of the information required to be supplied under IC 2-7-2-3 and IC 2-7-2-4.

(2) Total expenditures on lobbying (prorated, if necessary) broken down to include at least the following categories:

(A) Compensation to others who perform lobbying services.

(B) Reimbursement to others who perform lobbying services.

(C) Receptions.

(D) Entertainment, including meals. However, a function to which the entire general assembly is invited is not lobbying under this article.

(E) Gifts made to an employee of the general assembly or a member of the immediate family of an employee of the general assembly.

(3) A statement of expenditures and gifts that equal one hundred dollars ($100) or more in one (1) day, or that together total more than five hundred dollars ($500) during the calendar year, if the expenditures and gifts are made by the registrant or ~~his~~ **the registrant's** agent to benefit:

(A) a member of the general assembly;

(B) an officer of the general assembly;

(C) an employee of the general assembly; or

(D) a member of the immediate family of anyone included in clause (A), (B), or (C).

(4) Whenever a lobbyist makes an expenditure that is for the benefit of all of the members of the general assembly on a given occasion, the total amount expended shall be reported, but the lobbyist shall not prorate the expenditure among each member of the general assembly.

(5) A list of the general subject matter of each bill or resolution concerning which a lobbying effort was made within the registration period.

(6) The name of the beneficiary of each expenditure or gift made by the lobbyist or ~~his~~ **the lobbyist's** agent that is required to be reported under subdivision (3).

(7) The name of each member of the general assembly from whom the lobbyist has received an affidavit required under IC 2-2.1-3-3.5.

(b) In the second semiannual report, when total amounts are required to be reported, totals shall be stated both for the period covered by the statement and for the entire reporting year.

(c) An amount reported under this section is not required to include the following:

(1) Overhead costs.

(2) Charges for any of the following:

(A) Postage.

(B) Express mail service.

(C) Stationery.

(D) Facsimile transmissions.

(E) Telephone calls.

(3) Expenditures for the personal services of clerical and other support staff persons who are not lobbyists.

(4) Expenditures for leasing or renting an office.

(5) Expenditures for lodging, meals, and other personal expenses of the lobbyist.

(6) Expenditures for goods and services purchased from a business in which a person identified in subsection (a)(3) has an interest, directly or indirectly, if the expenditures are made:

(A) in the ordinary course of business at prices that are available to the general public; and

(B) without the knowledge of the person identified in subsection (a)(3).".

(Reference is to SB 280 as printed February 4, 2003.)

and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 0.

LYTLE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Insurance, Corporations and Small Business, to which was referred Engrossed Senate Bill 341, has had the same under consideration and begs leave to report the

same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 27-4-1-4, AS AMENDED BY P.L.130-2002, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4. The following are hereby defined as unfair methods of competition and unfair and deceptive acts and practices in the business of insurance:

(1) Making, issuing, circulating, or causing to be made, issued, or circulated, any estimate, illustration, circular, or statement:

(A) misrepresenting the terms of any policy issued or to be issued or the benefits or advantages promised thereby or the dividends or share of the surplus to be received thereon;

(B) making any false or misleading statement as to the dividends or share of surplus previously paid on similar policies;

(C) making any misleading representation or any misrepresentation as to the financial condition of any insurer, or as to the legal reserve system upon which any life insurer operates;

(D) using any name or title of any policy or class of policies misrepresenting the true nature thereof; or

(E) making any misrepresentation to any policyholder insured in any company for the purpose of inducing or tending to induce such policyholder to lapse, forfeit, or surrender his insurance.

(2) Making, publishing, disseminating, circulating, or placing before the public, or causing, directly or indirectly, to be made, published, disseminated, circulated, or placed before the public, in a newspaper, magazine, or other publication, or in the form of a notice, circular, pamphlet, letter, or poster, or over any radio or television station, or in any other way, an advertisement, announcement, or statement containing any assertion, representation, or statement with respect to any person in the conduct of his insurance business, which is untrue, deceptive, or misleading.

(3) Making, publishing, disseminating, or circulating, directly or indirectly, or aiding, abetting, or encouraging the making, publishing, disseminating, or circulating of any oral or written statement or any pamphlet, circular, article, or literature which is false, or maliciously critical of or derogatory to the financial condition of an insurer, and which is calculated to injure any person engaged in the business of insurance.

(4) Entering into any agreement to commit, or individually or by a concerted action committing any act of boycott, coercion, or intimidation resulting or tending to result in unreasonable restraint of, or a monopoly in, the business of insurance.

(5) Filing with any supervisory or other public official, or making, publishing, disseminating, circulating, or delivering to any person, or placing before the public, or causing directly or indirectly, to be made, published, disseminated, circulated, delivered to any person, or placed before the public, any false statement of financial condition of an insurer with intent to deceive. Making any false entry in any book, report, or statement of any insurer with intent to deceive any agent or examiner lawfully appointed to examine into its condition or into any of its affairs, or any public official to which such insurer is required by law to report, or which has authority by law to examine into its condition or into any of its affairs, or, with like intent, willfully omitting to make a true entry of any material fact pertaining to the business of such insurer in any book, report, or statement of such insurer.

(6) Issuing or delivering or permitting agents, officers, or employees to issue or deliver, agency company stock or other capital stock, or benefit certificates or shares in any common law corporation, or securities or any special or advisory board contracts or other contracts of any kind promising returns and profits as an inducement to insurance.

(7) Making or permitting any of the following:

(A) Unfair discrimination between individuals of the same class and equal expectation of life in the rates or assessments charged for any contract of life insurance or of life annuity or in the dividends or other benefits payable thereon, or in any other of the terms and conditions of such contract; however, in determining the class, consideration may be given to the nature of the risk, plan of insurance, the actual or expected expense of conducting the business, or any other relevant factor.

(B) Unfair discrimination between individuals of the same class involving essentially the same hazards in the amount of premium, policy fees, assessments, or rates charged or made for any policy or contract of accident or health insurance or in the benefits payable thereunder, or in any of the terms or conditions of such contract, or in any other manner whatever; however, in determining the class, consideration may be given to the nature of the risk, the plan of insurance, the actual or expected expense of conducting the business, or any other relevant factor.

(C) Excessive or inadequate charges for premiums, policy fees, assessments, or rates, or making or permitting any unfair discrimination between persons of the same class involving essentially the same hazards, in the amount of premiums, policy fees, assessments, or rates charged or made for:

(i) policies or contracts of reinsurance or joint reinsurance, or abstract and title insurance;

(ii) policies or contracts of insurance against loss or damage to aircraft, or against liability arising out of the ownership, maintenance, or use of any aircraft, or of vessels or craft, their cargoes, marine builders' risks, marine protection and indemnity, or other risks commonly insured under marine, as distinguished from inland marine, insurance; or

(iii) policies or contracts of any other kind or kinds of insurance whatsoever.

However, nothing contained in clause (C) shall be construed to apply to any of the kinds of insurance referred to in clauses (A) and (B) nor to reinsurance in relation to such kinds of insurance. Nothing in clause (A), (B), or (C) shall be construed as making or permitting any excessive, inadequate, or unfairly discriminatory charge or rate or any charge or rate determined by the department or commissioner to meet the requirements of any other insurance rate regulatory law of this state.

(8) Except as otherwise expressly provided by law, knowingly permitting or offering to make or making any contract or policy of insurance of any kind or kinds whatsoever, including but not in limitation, life annuities, or agreement as to such contract or policy other than as plainly expressed in such contract or policy issued thereon, or paying or allowing, or giving or offering to pay, allow, or give, directly or indirectly, as inducement to such insurance, or annuity, any rebate of premiums payable on the contract, or any special favor or advantage in the dividends, savings, or other benefits thereon, or any valuable consideration or inducement whatever not specified in the contract or policy; or giving, or selling, or purchasing or offering to give, sell, or purchase as inducement to such insurance or annuity or in connection therewith, any stocks, bonds, or other securities of any insurance company or other corporation, association, limited liability company, or partnership, or any dividends, savings, or profits accrued thereon, or anything of value whatsoever not specified in the contract. Nothing in this subdivision and subdivision (7) shall be construed as including within the definition of discrimination or rebates any of the following practices:

(A) Paying bonuses to policyholders or otherwise abating their premiums in whole or in part out of surplus accumulated from nonparticipating insurance, so long as any such bonuses or abatement of premiums are fair and equitable to policyholders and for the best interests of the company and its policyholders.

(B) In the case of life insurance policies issued on the industrial debit plan, making allowance to policyholders who have continuously for a specified period made premium

payments directly to an office of the insurer in an amount which fairly represents the saving in collection expense.

(C) Readjustment of the rate of premium for a group insurance policy based on the loss or expense experience thereunder, at the end of the first year or of any subsequent year of insurance thereunder, which may be made retroactive only for such policy year.

(D) Paying by an insurer or agent thereof duly licensed as such under the laws of this state of money, commission, or brokerage, or giving or allowing by an insurer or such licensed agent thereof anything of value, for or on account of the solicitation or negotiation of policies or other contracts of any kind or kinds, to a broker, agent, or solicitor duly licensed under the laws of this state, but such broker, agent, or solicitor receiving such consideration shall not pay, give, or allow credit for such consideration as received in whole or in part, directly or indirectly, to the insured by way of rebate.

(9) Requiring, as a condition precedent to loaning money upon the security of a mortgage upon real property, that the owner of the property to whom the money is to be loaned negotiate any policy of insurance covering such real property through a particular insurance agent or broker or brokers. However, this subdivision shall not prevent the exercise by any lender of its or his right to approve or disapprove of the insurance company selected by the borrower to underwrite the insurance.

(10) Entering into any contract, combination in the form of a trust or otherwise, or conspiracy in restraint of commerce in the business of insurance.

(11) Monopolizing or attempting to monopolize or combining or conspiring with any other person or persons to monopolize any part of commerce in the business of insurance. However, participation as a member, director, or officer in the activities of any nonprofit organization of agents or other workers in the insurance business shall not be interpreted, in itself, to constitute a combination in restraint of trade or as combining to create a monopoly as provided in this subdivision and subdivision (10). The enumeration in this chapter of specific unfair methods of competition and unfair or deceptive acts and practices in the business of insurance is not exclusive or restrictive or intended to limit the powers of the commissioner or department or of any court of review under section 8 of this chapter.

(12) Requiring as a condition precedent to the sale of real or personal property under any contract of sale, conditional sales contract, or other similar instrument or upon the security of a chattel mortgage, that the buyer of such property negotiate any policy of insurance covering such property through a particular insurance company, agent, or broker or brokers. However, this subdivision shall not prevent the exercise by any seller of such property or the one making a loan thereon, of his, her, or its right to approve or disapprove of the insurance company selected by the buyer to underwrite the insurance.

(13) Issuing, offering, or participating in a plan to issue or offer, any policy or certificate of insurance of any kind or character as an inducement to the purchase of any property, real, personal, or mixed, or services of any kind, where a charge to the insured is not made for and on account of such policy or certificate of insurance. However, this subdivision shall not apply to any of the following:

(A) Insurance issued to credit unions or members of credit unions in connection with the purchase of shares in such credit unions.

(B) Insurance employed as a means of guaranteeing the performance of goods and designed to benefit the purchasers or users of such goods.

(C) Title insurance.

(D) Insurance written in connection with an indebtedness and intended as a means of repaying such indebtedness in the event of the death or disability of the insured.

(E) Insurance provided by or through motorists service clubs or associations.

(F) Insurance that is provided to the purchaser or holder of an air transportation ticket and that:

(i) insures against death or nonfatal injury that occurs during the flight to which the ticket relates;

(ii) insures against personal injury or property damage that occurs during travel to or from the airport in a common carrier immediately before or after the flight;

(iii) insures against baggage loss during the flight to which the ticket relates; or

(iv) insures against a flight cancellation to which the ticket relates.

(14) Refusing, because of the for-profit status of a hospital or medical facility, to make payments otherwise required to be made under a contract or policy of insurance for charges incurred by an insured in such a for-profit hospital or other for-profit medical facility licensed by the state department of health.

(15) Refusing to insure an individual, refusing to continue to issue insurance to an individual, limiting the amount, extent, or kind of coverage available to an individual, or charging an individual a different rate for the same coverage, solely because of that individual's blindness or partial blindness, except where the refusal, limitation, or rate differential is based on sound actuarial principles or is related to actual or reasonably anticipated experience.

(16) Committing or performing, with such frequency as to indicate a general practice, unfair claim settlement practices (as defined in section 4.5 of this chapter).

(17) Between policy renewal dates, unilaterally canceling an individual's coverage under an individual or group health insurance policy solely because of the individual's medical or physical condition.

(18) Using a policy form or rider that would permit a cancellation of coverage as described in subdivision (17).

(19) Violating IC 27-1-22-25 or IC 27-1-22-26 concerning motor vehicle insurance rates.

(20) Violating IC 27-8-21-2 concerning advertisements referring to interest rate guarantees.

(21) Violating IC 27-8-24.3 concerning insurance and health plan coverage for victims of abuse.

(22) Violating IC 27-8-26 concerning genetic screening or testing.

(23) Violating IC 27-1-15.6-3(b) concerning licensure of insurance producers.

(24) Violating IC 27-1-38 concerning depository institutions.

(25) Violating IC 27-8-5-2.5(e) through IC 27-8-5-2.5(j) or IC 27-8-5-19.2.".

Page 2, line 27, after "(e)" insert "**This subsection applies to a policy that is issued after June 30, 2003, and before July 1, 2005.**".

Page 2, line 29, delete "that arise" and insert "**directly related to**".

Page 2, line 30, delete "from".

Page 2, line 32, delete "five (5)" and insert "**two (2)**".

Page 2, line 37, delete "arising from" and insert "**directly related to**".

Page 3, line 34, after "IC 27-8-10-5.1." insert "**This subsection expires July 1, 2007.**".

Page 3, line 35, after "(f)" insert "**This subsection applies to a policy that is issued after June 30, 2003, and before July 1, 2005.**".

Page 3, line 35, delete "may" and insert "**shall**".

Page 3, between lines 40 and 41, begin a new line blocked left and insert:

"**This subsection expires July 1, 2007.**".

Page 3, line 41, after "(g)" insert "**This subsection applies to a policy that is issued after June 30, 2003, and before July 1, 2005.**".

Page 4, line 3, after "IC 27-8-28." insert "**This subsection expires July 1, 2007.**".

Page 4, line 4, after "(h)" insert "**This subsection applies to a policy that is issued after June 30, 2003, and before July 1, 2005.**".

Page 4, between lines 8 and 9, begin a new line blocked left and insert:

"**This subsection expires July 1, 2007.**".

Page 4, line 9, after "(i)" insert "**This subsection applies to a policy that is issued after June 30, 2003, and before July 1, 2005.**".

Page 4, line 11, after "issued." insert "**This subsection expires July 1, 2007.**

(j) This subsection applies to a policy that is issued after June 30, 2003, and before July 1, 2005. An insurer or insurance producer shall not use this section to circumvent the guaranteed access and availability provisions of this chapter, IC 27-8-15, or the federal Health Insurance Portability and Accountability Act of 1996 (P.L. 104-191). This subsection expires July 1, 2007.

(k) This subsection applies to a policy that is issued after June 30, 2003, and before July 1, 2005. A pattern or practice of violations of subsections (e) through (j) is an unfair method of competition or an unfair and deceptive act and practice in the business of insurance under IC 27-4-1-4. This subsection expires July 1, 2007.

SECTION 3. IC 27-8-5-16.5, AS AMENDED BY P.L.96-2002, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 16.5. (a) As used in this section, "delivery state" means any state other than Indiana in which a policy is delivered or issued for delivery.

(b) Except as provided in subsection (c), (d), or (e), a certificate may not be issued to a resident of Indiana pursuant to a group policy that is delivered or issued for delivery in a state other than Indiana.

(c) A certificate may be issued to a resident of Indiana pursuant to a group policy not described in subsection (d) that is delivered or issued for delivery in a state other than Indiana if:

(1) the delivery state has a law substantially similar to section 16 of this chapter;

(2) the delivery state has approved the group policy; and

(3) the policy or the certificate contains provisions that are:

(A) substantially similar to the provisions required by:

(i) section 19 of this chapter;

(ii) section 21 of this chapter; and

(iii) IC 27-8-5.6; and

(B) consistent with the requirements set forth in:

(i) section 24 of this chapter;

(ii) IC 27-8-6;

(iii) IC 27-8-14;

(iv) IC 27-8-23;

(v) 760 IAC 1-38.1; and

(vi) 760 IAC 1-39.

(d) A certificate may be issued to a resident of Indiana under an association group policy, a discretionary group policy, or a trust group policy that is delivered or issued for delivery in a state other than Indiana if:

(1) the delivery state has a law **that:**

(A) prohibits association policies issued to cover the members of an association unless:

(i) the association was organized and maintained in good faith for purposes other than that of obtaining insurance;

(ii) the association has at the outset at least one hundred (100) members;

(iii) the association has been in active existence for at least one (1) year;

(iv) the association has a constitution and bylaws that provide that the association holds regular meetings not less than annually to further purposes of the members;

(v) the association, except for credit unions, collects dues or solicits contributions from members; and

(vi) the members have voting privileges and representation on the association's governing board and committees; and

(B) is otherwise substantially similar to section 16 of this chapter;

(2) the delivery state has approved the group policy; and

(3) the policy or the certificate contains provisions that are:

(A) substantially similar to the provisions required by:

(i) section 19 of this chapter;

(ii) **section 19.2 of this chapter if the policy or certificate contains a waiver of coverage;**

(iii) section 21 of this chapter; and

~~(iii)~~ **(iv)** IC 27-8-5.6; and

(B) consistent with the requirements set forth in:

(i) section 15.6 of this chapter;

(ii) section 24 of this chapter;

(iii) section 26 of this chapter;

(iv) IC 27-8-6;

(v) IC 27-8-14;

(vi) IC 27-8-14.1;

(vii) IC 27-8-14.5;

(viii) IC 27-8-14.7;

(ix) IC 27-8-14.8;

(x) IC 27-8-20;

(xi) IC 27-8-23;

(xii) IC 27-8-24.3;

(xiii) IC 27-8-26;

(xiv) IC 27-8-28;

(xv) IC 27-8-29;

(xvi) 760 IAC 1-38.1; and

(xvii) 760 IAC 1-39.

(e) A certificate may be issued to a resident of Indiana pursuant to a group policy that is delivered or issued for delivery in a state other than Indiana if the commissioner determines that the policy pursuant to which the certificate is issued meets the requirements set forth in section 17(a) of this chapter.

(f) This section does not affect any other provision of Indiana law governing the terms or benefits of coverage provided to a resident of Indiana under any certificate or policy of insurance.".

Page 4, line 16, after "issued" insert "**after June 30, 2003, and before July 1, 2005,**".

Page 4, line 22, delete "that arise from" and insert "**directly related to**".

Page 4, line 25, delete "five (5)" and insert "**two (2)**".

Page 4, line 30, delete "arising from" and insert "**directly related to**".

Page 5, line 26, delete "may" and insert "**shall**".

Page 6, between lines 6 and 7, begin a new paragraph and insert:

"**(i) IC 27-8-5-16.5 applies to a policy described in this section.**

(j) An insurer or insurance producer shall not use this section to circumvent the guaranteed access and availability provisions of this chapter, IC 27-8-15, or the federal Health Insurance Portability and Accountability Act of 1996 (P.L. 104-191).

(k) A pattern or practice of violations of subsections (e) through (j) is an unfair method of competition or an unfair and deceptive act and practice in the business of insurance under IC 27-4-1-4.

(l) This section expires July 1, 2007.".

Page 10, line 2, strike "may be required to pay not more than".

Page 10, line 3, strike "twenty-five dollars ($25)" and insert "**shall not pay any**".

Page 10, line 4, strike "additional".

Page 10, line 27, delete "showing" and insert "**proving**".

Page 10, delete lines 40 through 42.

Page 11, delete line 1.

Page 11, between lines 17 and 18, begin a new line block indented and insert:

"**(6) The number of:**

(A) complaints; and

(B) requests for external grievance review;

filed in relation to a waiver.".

Page 11, line 20, delete "September" and insert "**August**".

Page 11, line 22, delete "September" and insert "**August**".

Page 11, between lines 23 and 24, begin a new line block indented and insert:

"**(3) Not later than August 1, 2006, for the reporting period July 1, 2005, through June 30, 2006.**

(4) Not later than August 1, 2007, for the reporting period

July 1, 2006, through June 30, 2007.".

Page 11, delete line 27.

Page 11, between lines 28 and 29, begin a new line block indented and insert:

"**(3) under subsection (b)(3) not later than November 1, 2006; and**

(4) under subsection (b)(4) not later than November 1, 2007;".

Page 11, line 32, delete ", 2005," and insert "**of each year**".

Page 11, line 33, after "council" insert "**and each member of the general assembly**".

Page 11, line 34, delete "2006." and insert "**2008.**".

Renumber all SECTIONS consecutively.

(Reference is to SB 341 as reprinted February 14, 2003.)

and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 6.

FRY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Engrossed Senate Bill 349, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 26, nays 1.

CRAWFORD, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, Ethics and Veterans Affairs, to which was referred Engrossed Senate Bill 395, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 5, delete "destruction" and insert "**retiring and disposing**".

(Reference is to SB 395 as printed February 7, 2003.)

and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 0.

LYTLE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred Engrossed Senate Bill 405, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, between lines 3 and 4, begin a new paragraph and insert:

"SECTION 4. IC 9-13-2-151.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 151.7. "Rental company" has the meaning set forth in IC 24-4-9-7.**".

Page 2, line 32, delete "(3)," and insert "(3)".

Page 2, line 32, before "(4)," reset in roman "and".

Page 2, line 32, delete "and (5),".

Page 3, delete lines 17 through 34.

Page 3, line 37, delete "(a)(3)," and insert "(a)(3)".

Page 3, line 37, before "(a)(4)," reset in roman "or".

Page 3, line 37, delete "(a)(4)," and insert "(a)(4)".

Page 3, line 37, delete "or (a)(5)".

Page 3, line 38, delete "A third party holding a certificate of title indicating a lien".

Page 3, delete lines 39 through 42.

Page 4, delete line 1.

Page 4, line 2, delete "(d)".

Run in page 3, line 38 through page 4, line 2.

Page 4, line 2, delete "deliver"" and insert "**deliver", with respect to a third party,**".

Page 4, line 3, delete "thirty (30)" and insert "**ten (10) business**".

Page 4, line 3, delete "receipt of payment to" and insert "**there is no obligation secured by the vehicle.**".

Page 4, line 4, delete "satisfy a lien that is indicated on a certificate of title.".

Page 4, line 25, after "party" insert "**one hundred dollars ($100). If:**

(1) the dealer's inability to timely deliver a valid certificate of title results from the acts or omissions of a third party who has failed to timely deliver the certificate of title in the third party's possession to the dealer; and

(2) the failure continues for ten (10) business days after the dealer gives the third party written notice of the failure;

the dealer is entitled to claim against the third party".

Page 4, line 28, reset in roman "(d)".

Page 4, line 28, delete "(e)".

Page 4, line 33, reset in roman "(e)".

Page 4, line 33, delete "(f)".

Page 4, between lines 36 and 37, begin a new paragraph and insert:

"**(f) A dealer shall make payment to a third party to satisfy any obligation secured by the vehicle within five (5) days after the date of sale.**".

Page 5, line 8, after "_____." insert "**Payoff of lien was made on (date)_____.**".

Page 5, line 24, delete ""If" and insert "**If**".

Page 5, line 33, delete "dealer." ." and insert "dealer.".

Page 5, between lines 33 and 34, begin a new paragraph and insert:

"**If a lien is present on the previous owner's certificate of title, it is the responsibility of the third party lienholder to timely deliver the certificate of title in the third party's possession to the dealer not more than ten (10) business days after there is no obligation secured by the vehicle. If the dealer's inability to deliver a valid certificate of title to you within the above-described ten (10) day period results from the acts or omissions of a third party who has failed to timely deliver the certificate of title in the third party's possession to the dealer, the dealer may be entitled to claim against the third party the damages allowed by law.**".

Page 7, between lines 28 and 29, begin a new paragraph and insert:

"SECTION 16. IC 9-17-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. A person having possession of a certificate of title for a motor vehicle, semitrailer, or recreational vehicle because the person has a lien or an encumbrance on the motor vehicle, semitrailer, or recreational vehicle must deliver ~~the certificate of title to the person who owns the motor vehicle, semitrailer, or recreational vehicle upon~~ **not more than ten (10) business days after receipt of the payment** the satisfaction or discharge of the lien or encumbrance indicated upon the certificate of title **to the person who:**

(1) is listed on the certificate of title as owner of the motor vehicle, semitrailer, or recreational vehicle; or

(2) is acting as an agent of the owner and who holds power of attorney for the owner of the motor vehicle, semitrailer, or recreational vehicle.

SECTION 17. IC 9-17-8-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4. A manufacturer, converter manufacturer, or dealer must have:

(1) a certificate of title;

(2) an assigned certificate of title; ~~or~~

(3) a manufacturer's certificate of origin; **or**

(4) an assigned manufacturer's certificate of origin;

for a motor vehicle, semitrailer, or recreational vehicle in the manufacturer's, converter manufacturer's, or dealer's possession.

SECTION 18. IC 9-17-8-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 8. (a) Before obtaining a manufacturer's, converter manufacturer's, or dealer's license from the bureau, a person must agree to allow a police officer or an authorized representative of the bureau to inspect:

(1) certificates of origin, certificates of title, ~~or~~ assignments of certificates of origin and certificates of title, **or other proof of**

ownership as determined by the bureau; and

(2) motor vehicles, semitrailers, or recreational vehicles that are held for resale by the manufacturer, converter manufacturer, or dealer;

in the manufacturer's, converter manufacturer's, or dealer's place of business during reasonable business hours.

(b) A certificate of title, ~~and~~ a certificate of origin, **and any other proof of ownership** described under subsection (a):

(1) must be readily available for inspection by or delivery to the proper persons; and

(2) may not be removed from Indiana.".

Page 9, delete lines 27 through 42.

Page 10, delete lines 1 through 11.

Page 10, line 15, strike "has acquired" and insert "**declares**".

Page 10, between lines 35 and 36, begin a new paragraph and insert:

"**(c) When a self-insured entity is the owner of a salvage motor vehicle, motorcycle, semitrailer, or recreational vehicle that meets at least one (1) of the criteria set forth in section 3 of this chapter, the self-insured entity shall apply to the bureau within thirty-one (31) days after the date of loss for a certificate of salvage title in the name of the self-insured entity's name.**

(d) Any other person acquiring a wrecked or damaged motor vehicle, motorcycle, semitrailer, or recreational vehicle that meets at least one (1) of the criteria set forth in section 3 of this chapter, which acquisition is not evidenced by a certificate of salvage title, shall apply to the bureau within thirty-one (31) days after receipt of the certificate of title for a certificate of salvage title.".

Page 11, line 14, delete "vehicles," and insert "**vehicles or a rental company selling used motor vehicles that have been rented by the rental company,**".

Page 11, line 25, delete "fifty" and insert "**fifteen**".

Page 11, line 25, delete "($50,000);" and insert "**($15,000);**".

Page 11, line 31, delete "breach of contract;" and insert "**misrepresentation; or**".

Page 11, line 32, delete "failure to comply with IC 9-17-3-3; or".

Page 11, line 33, delete "(D)".

Page 11, run in lines 32 through 33.

Page 12, line 40, after "to" insert "**:**

(1)".

Page 12, line 40, delete "dealers or" and insert "**dealers;**

(2)".

Page 12, line 41, delete "dealers." and insert "**dealers; or**

(3) a rental company that is a dealer conducting a sale at a company owned affiliate.".

Page 14, between lines 21 and 22, begin a new paragraph and insert:

"SECTION 34. IC 9-25-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3. (a) If the bureau:

(1) does not receive a certificate of compliance from a person identified under IC 9-25-5-2 within forty (40) days after the date on which the bureau mailed the request for evidence of financial responsibility to the person; or

(2) receives a certificate that does not indicate that financial responsibility was in effect with respect to the motor vehicle operated by the person on the date of the accident referred to in IC 9-25-5-2;

the bureau shall take action under subsection (c).

(b) If the bureau:

(1) does not receive a certificate of compliance from a person presented with a request for evidence of financial responsibility under IC 9-25-9-1 within forty (40) days after the date on which the person was presented with the request; or

(2) receives a certificate that does not indicate that financial responsibility was in effect with respect to the motor vehicle that the person was operating when the person committed the violation described in the judgment or abstract received by the bureau under IC 9-25-9-1;

the bureau shall take action under subsection (c).

(c) Under the conditions set forth in subsection (a) or (b), the bureau shall do the following:

(1) Immediately suspend the person's current driving license or vehicle registration, or both.

(2) Demand that the person immediately surrender the person's current driving license or vehicle registration, or both, to the bureau.

(d) Except as provided in subsection (e), if subsection (a) or (b) applies to a person, the bureau shall suspend the current driving license of the person irrespective of the following:

(1) The sale or other disposition of the motor vehicle by the owner.

(2) The cancellation or expiration of the registration of the motor vehicle.

(3) An assertion by the person that the person did not own the motor vehicle and therefore had no control over whether financial responsibility was in effect with respect to the motor vehicle.

(e) The bureau shall not suspend the current driving license of a person to which subsection (a) or subsection (b) applies if the person, through a certificate of compliance or another communication with the bureau, establishes to the satisfaction of the bureau that the motor vehicle that the person was operating when the accident referred to in subsection (a) took place or when the violation referred to in subsection (b) was committed was:

(1) rented from a rental company; ~~(as defined in IC 24-4-9-7);~~ or

(2) owned by the person's employer and operated by the person in the normal course of the person's employment.".

Page 14, between lines 26 and 27, begin a new paragraph and insert:

"SECTION 36. IC 14-16-1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 8. ~~(a) Except as otherwise provided, an off-road~~ **A** vehicle may not be operated ~~on public property~~ unless registered **as set forth in section 9 of this chapter.**

~~(b) Registration is not required for a vehicle that is exclusively operated in a special event of limited duration that is conducted according to a prearranged schedule under a permit from the governmental unit having jurisdiction.~~

SECTION 37. IC 14-16-1-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 9. (a) The owner of each vehicle required to be registered under this chapter must do the following:

(1) File an application for registration with the department on forms provided by the department.

(2) Sign the application.

(3) **If the vehicle is purchased after June 30, 2003, include a copy of the bill of sale.**

(4) Include a signed affidavit in which the applicant swears or affirms that the information set forth in the application by the applicant is correct.

(5) Pay a fee of six dollars ($6).

(b) Upon receipt of an application in approved form, the department shall enter the application upon the department's records and issue to the applicant a certificate of registration containing the following:

(1) The number awarded to the vehicle.

(2) The name and address of the owner.

(3) Other information that the department considers necessary.

(c) A certificate of registration must:

(1) be pocket size;

(2) accompany the vehicle; and

(3) be made available for inspection upon demand by a law enforcement officer.

SECTION 38. IC 14-16-1-20.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 20.5. An individual may not operate a vehicle without identification numbers attached on the vehicle as required under section 11 of this chapter except when:**

(1) the vehicle is being operated by a nonresident of Indiana as authorized under section 19 of this chapter;

(2) the vehicle is being operated for purposes of testing or demonstration with temporary placement of numbers as set

forth in section 16 of this chapter; or

(3) the operator of the vehicle has in the operator's possession a bill of sale from a dealer or private individual that includes the following:

(A) The purchaser's name and address.

(B) A date of purchase that is not more than thirty-one (31) days preceding the date that the operator is required to show the bill of sale.

(C) The make, model, and vehicle number of the vehicle provided by the manufacturer as required by section 13 of this chapter.

SECTION 39. IC 14-16-1-29, AS AMENDED BY P.L.158-2002, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 29. (a) A person who violates section 17, 23(2), or 24 of this chapter commits a Class B misdemeanor.

(b) A person who violates section 8, 9, 11, 12, 13, 14, 18, 19, 20, **20.5,** 21, 23(1), 23(3), 23(4), 23(5), 23(6), 23(7), 23(8), 23(9), 23(10), 23(11), 23(12), 23(13), 23(14), or 27 of this chapter commits a Class C infraction.".

Renumber all SECTIONS consecutively.

(Reference is to SB 405 as reprinted March 4, 2003.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

RESKE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred Engrossed Senate Bill 416, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17.

Page 2, delete lines 1 through 5.

Page 2, line 9, after "record" insert "**as set forth in IC 9-26-4.5**".

Page 2, line 15, delete "As used in this chapter, "free distribution newspaper"".

Page 2, delete lines 16 through 42.

Page 3, delete lines 1 through 4.

Page 3, line 5, delete "Sec. 6. Except as provided in section 7 of this chapter, a" and insert "**A**".

Run in page 2, line 15 through page 3, line 5.

Page 3, line 6, after "accident" insert "**that is**".

Page 3, line 13, delete "and may not be disclosed to a person for a period of" and insert "**with respect to an attorney or an agent of the attorney unless the attorney or agent is the legal representative of:**

(1) a party involved in the vehicle accident; or

(2) an owner of property that was damaged during the vehicle accident.".

Page 3, delete lines 14 through 39, begin a new paragraph and insert:

"**Sec. 2. An agency that receives reports required to be filed as set forth in section 1 of this chapter shall inquire of a person requesting a report if the person is an attorney or an agent of an attorney. If the person requesting the report is an attorney or an agent of an attorney, the agency shall deny a copy of the report to the person, unless the person is a member of the category listed in section 1(1) or 1(2) of this chapter.**".

Page 3, line 40, delete "9." and insert "**3.**".

Page 3, line 40, delete "6" and insert "**1**".

Page 3, line 41, delete "sixty (60)" and insert "**five (5) working**".

Page 4, line 1, delete "10." and insert "**4.**".

Page 4, line 18, delete "11." and insert "**5.**".

Renumber all SECTIONS consecutively.

(Reference is to SB 416 as printed February 14, 2003.)

and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 5.

RESKE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred Engrossed Senate Bill 440, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning natural resources and environmental law.

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 13-11-2-66.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2003 (RETROACTIVE)]: **Sec. 66.3. "Emission data", for purposes of environmental management laws, means:**

(1) the identity, amount, frequency, concentration, or other characteristics of a contaminant that:

(A) has been emitted from an emission unit;

(B) results from an emission by the emission unit;

(C) the emission unit was authorized to emit under an applicable standard or limitation; or

(D) is a combination of any of the items described in clauses (A) through (C);

(2) the:

(A) name, address, or other description of the location of; and

(B) the nature of;

the emission unit necessary to identify the emission unit, including a description of the device, equipment, or operation that constitutes the emission unit; or

(3) information that is necessary to determine or calculate emission data described in subdivision (1), including:

(A) rate of operation;

(B) rate of production;

(C) rate of raw material usage; or

(D) material balance;

if the information is contained in a permit to ensure that the permit is enforceable under state or federal law.

SECTION 2. IC 13-11-2-130.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 130.5. "Periodic vehicle inspection program", for purposes of IC 13-17-5, means a program requiring a motor vehicle registered in a county to undergo a periodic test of emission characteristics and be repaired and retested if the motor vehicle fails the emissions test. The term includes entering into and managing contracts for inspection stations.**

SECTION 3. IC 13-17-5-6.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 6.6. (a) The board may not adopt a rule that establishes fees to be paid by persons having their motor vehicles tested under this chapter.**

(b) This section expires January 1, 2007.

SECTION 4. IC 13-17-5-9 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 9. (a) After December 31, 2006, the board may not adopt a rule under air pollution control laws that requires motor vehicles to undergo a periodic test of emission characteristics in the following counties:**

(1) A county having a population of more than seventy thousand (70,000) but less than seventy-one thousand (71,000).

(2) A county having a population of more than ninety thousand (90,000) but less than one hundred thousand (100,000).

(b) After December 31, 2006, 326 IAC 13-1.1 is void to the extent it applies to a county referred to in subsection (a).

(c) Unless the budget agency approves a periodic vehicle inspection program for a county referred to in subsection (a), the board shall amend 326 IAC 13-1.1 so that it does not apply after December 31, 2006, to a county referred to in subsection (a).

(d) The budget agency, after review by the budget committee,

may approve in writing the implementation of a periodic vehicle inspection program for one (1) or more counties described in subsection (a) only if the budget agency determines that the implementation of a periodic vehicle inspection program in the designated counties is necessary to avoid a loss of federal highway funding for the state or a political subdivision. The approval must specify the counties to which the periodic vehicle inspection program applies and the time during which the periodic vehicle inspection program must be conducted in each designated county. The budget agency, after review by the budget committee, shall withdraw an approval given under this subsection for a periodic vehicle inspection program in a county if the budget agency determines that the suspension of the periodic vehicle inspection program will not adversely affect federal highway funding for the state or a political subdivision.

SECTION 5. IC 14-28-1-26.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 26.5. (a) This section applies to the following activities:

(1) The placement or replacement of a mobile home within a boundary river floodway.

(2) The repair of a residence that:

(A) is located in a boundary river floodway; and

(B) has been damaged by floodwaters or another means;

except for the reconstruction of a residence to which section 25 of this chapter applies.

(3) The construction of an:

(A) addition to; or

(B) improvement of;

a residential structure within a boundary river floodway.

(4) The construction of a new residence within a boundary river floodway.

(b) The federal regulations that:

(1) were adopted by the director of the Federal Emergency Management Agency to implement the National Flood Insurance Act (42 U.S.C. 4001 et seq.);

(2) are published in 44 CFR Parts 59 through 60; and

(3) are in effect on January 1, 1997;

are adopted as the criteria for determining whether an activity referred to in subsection (a) is allowed in Indiana. **However, the lowest floor of a new residence constructed within a boundary river floodway referred to in subsection (a)(4) must be at least two (2) feet above the one hundred (100) year frequency flood elevation.**

(c) A person who wishes to perform an activity referred to in subsection (a) is authorized to perform the activity if:

(1) the federal regulations described in subsection (b) as the governing criteria allow the activity; and

(2) the person obtains a permit for the activity under this section.

(d) To obtain a permit for an activity referred to in subsection (a), a person must:

(1) file with the director a verified written application for a permit on a form provided by the department; and

(2) pay to the department a nonrefundable fee of ten dollars ($10).

(e) An application filed under this section must:

(1) set forth the material facts concerning the proposed activity; and

(2) in the case of an activity described in subsection (a)(1), ~~or~~ (a)(3), **or (a)(4),** include plans and specifications for the construction, reconstruction, or repair.

(f) If an application submitted under this section meets the requirements set forth in subsections (d) and (e), the director may not reject the application unless the regulations adopted as the governing criteria under subsection (b) do not allow the activity.

(g) If the federal regulations adopted as the governing criteria under subsection (b) authorize a type of activity only when certain conditions are met, a permit that the director issues for that type of activity may require the applicant, in carrying out the activity, to meet the same conditions.

(h) If:

(1) there is a dispute under this section about the elevation of a site; and

(2) the elevation of the site has been determined by a registered land surveyor;

the elevation determined by the registered land surveyor must be used as the accepted elevation.".

Page 1, line 3, delete "March" and insert "**November**".

Page 1, line 11, delete "ten-thousandths (0.0007)" and insert "**thousandths (0.007)**".

Page 2, between lines 19 and 20, begin a new paragraph and insert:

"SECTION 7. [EFFECTIVE DECEMBER 31, 2000 (RETROACTIVE)] **(a) As used in this SECTION, "board" refers to the water pollution control board established by IC 13-18-1.**

(b) All waters designated under 327 IAC 2-1.5-19(b) as outstanding state resource waters shall be maintained and protected in their present quality in accordance with the antidegradation implementation procedures for the outstanding state resource waters established by the board for waters in the Great Lakes system. This SECTION does not affect the authority of the board to amend 327 IAC 5-2-11.7. Any rule adopted by the board contrary to this standard is void.

(c) All waters designated as outstanding state resource waters under 327 IAC 2-1-2(3) and waters designated as exceptional use waters under 327 IAC 2-1-6(i) shall be maintained and protected in accordance with 327 IAC 2-1-2(1) and 327 IAC 2-1-2(2). If a permittee seeks a new or increased discharge for which a new or increased permit limit is required and that amounts to a significant lowering of water quality, the permittee shall demonstrate an overall improvement in water quality in the outstanding state resource water or exceptional use water, subject to:

(1) the approval of the department of environmental management; and

(2) IC 13-18-3-2(m)(2)(A) and IC 13-18-3-2(m)(2)(B).

(d) Any rule adopted by the board before the effective date of this SECTION is void to the extent that it:

(1) is inconsistent with this SECTION; or

(2) requires protection of waters beyond the protection required by 327 IAC 2-1-2(1) and 327 IAC 2-1-2(2).

(e) Before July 1, 2004, the board shall amend 327 IAC 2-1-2, 327 IAC 2-1-6, and 327 IAC 2-1.5-4 to reflect this SECTION.

(f) This SECTION expires on the earlier of:

(1) the effective date of the rule amendments adopted by the board under subsection (e); or

(2) July 1, 2006.

SECTION 8. [EFFECTIVE DECEMBER 31, 2002 (RETROACTIVE)] **(a) Until July 1, 2004, the following apply to a water body designated before October 1, 2002, as an exceptional use water:**

(1) The water body is subject to the overall water quality improvement provisions of IC 13-18-3-2(l).

(2) The water body is not subject to a standard of having its water quality maintained and protected without degradation consistent with the provisions of P.L.140-2000.

(b) Before July 1, 2004, the water pollution control board established under IC 13-18-1 shall:

(1) determine whether, effective July 1, 2004, to designate as an outstanding state water each water designated before October 1, 2002, as an exceptional use water under 327 IAC 2-1-11; and

(2) complete rulemaking to make any designation determined under subdivision (1).

(c) This SECTION expires July 1, 2006.".

Renumber all SECTIONS consecutively.

(Reference is to SB 440 as reprinted March 4, 2003.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 3.

BOTTORFF, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Engrossed Senate Bill 501, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 18, delete "Determine" and insert "**For a general fund ad valorem property tax levy first due and payable after December 31, 2003, determine**".

Page 4, between lines 28 and 29, begin a new paragraph and insert:

"SECTION 3. IC 6-1.1-22-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 8. (a) The county treasurer shall either:

(1) mail to the last known address of each person liable for any property taxes or special assessment, as shown on the tax duplicate or special assessment records, or to the last known address of the most recent owner shown in the transfer book; ~~a statement of current and delinquent taxes and special assessments;~~ or

(2) transmit by written, electronic, or other means to a mortgagee maintaining an escrow account for a person who is liable for any property taxes or special assessments, as shown on the tax duplicate or special assessment records;

a statement of current and delinquent taxes and special assessments.

(b) The county treasurer may include the following in the statement:

(1) An itemized listing for each property tax levy, including:

(A) the amount of the tax rate;

(B) the entity levying the tax owed; and

(C) the dollar amount of the tax owed.

(2) Information designed to inform the taxpayer or mortgagee clearly and accurately of the manner in which the taxes billed in the tax statement are to be used.

If the county treasurer includes information described in subdivision (1) or (2) in a statement and a levy described in IC 6-1.1-19-1.5(b) STEP SEVEN(B) is imposed in the taxpayer's taxing district, the county treasurer shall show separately the information described in subdivision (1) for that part of each school general fund tax levy that is levied under IC 6-1.1-19-1.5(b) STEP SEVEN(B) and attributable to money levied for students enrolled in a charter school. When the department of local government finance certifies tax rates for a county, the department of local government finance shall provide the county with the information required to separately show this information for the charter school levy.

(c) A form used and the method by which the statement and information, if any, are transmitted must be approved by the state board of accounts. The county treasurer may mail or transmit the statement and information, if any, one (1) time each year at least fifteen (15) days before the date on which the first or only installment is due. Whenever a person's tax liability for a year is due in one (1) installment under IC 6-1.1-7-7 or section 9 of this chapter, a statement that is mailed must include the date on which the installment is due and denote the amount of money to be paid for the installment. Whenever a person's tax liability is due in two (2) installments, a statement that is mailed must contain the dates on which the first and second installments are due and denote the amount of money to be paid for each installment.

~~(c)~~ **(d)** All payments of property taxes and special assessments shall be made to the county treasurer. The county treasurer, when authorized by the board of county commissioners, may open temporary offices for the collection of taxes in cities and towns in the county other than the county seat.".

Page 5, line 6, delete "(b)".

Page 5, run in lines 5 through 6.

Page 5, between lines 9 and 10, begin a new paragraph and insert:

"**(b) The maximum number of charter schools that may be in operation under the sponsorship of any one (1) sponsor is nine (9). When the department has received notice of the acceptance by a sponsor of nine (9) charter school proposals, the department shall notify the sponsor that further proposals may be accepted from that sponsor only if a charter school previously approved by the sponsor ceases to operate and acceptance of an additional charter school would not result in the operation of more than nine (9) charter schools under the sponsorship of the sponsor.**".

Page 14, between lines 31 and 32, begin a new paragraph and insert:

"SECTION 14. IC 20-6.1-3-12 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 12. (a) This section applies to an examination that is required for teacher licensure under this chapter.**

(b) If an individual does not demonstrate the level of proficiency required to receive a license on all or part of an examination, the examination's scorer must provide to the individual the individual's test scores, including subscores for each area tested.".

Renumber all SECTIONS consecutively.

(Reference is to ESB 501 as printed April 4, 2003.)

and when so amended that said bill do pass.

Committee Vote: yeas 26, nays 2.

CRAWFORD, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred Engrossed Senate Bill 508, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 9, nays 0.

RESKE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Engrossed Senate Bill 520, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 9, line 9, after "before" insert "**the later of**".

Page 9, line 9, after "2003," insert "**or thirty (30) days after the date that statements are mailed under IC 6-1.1-22-8 in the county where the property is assessed for property taxes first due and payable in 2003,**".

Page 9, line 11, delete "and".

Page 9, line 12, after "(2)" insert "**makes the payment in lieu of property taxes required under subsection (j); and**

(3)".

Page 10, line 15, delete "FOUR" and insert "**FIVE**".

Page 10, between lines 31 and 32, begin a new line block indented and insert:

"**STEP FOUR: Subtract the amount of the PILOT paid under subsection (j) from the STEP THREE result.**".

Page 10, line 32, delete "FOUR:" and insert "**FIVE:**".

Page 10, line 32, delete "THREE" and insert "**FOUR**".

Page 12, line 8, after "year." insert "**The department of local government finance shall adjust the maximum property tax rate under IC 21-2-15-11 for the capital projects fund to allow a levy of an amount that is equal to the amount that would have applied if IC 6-1.1-12.2 had not been added by this act and the taxpayer that pays the pilot under subsection (j) had continued to pay property taxes on its property after December 31, 2003. The department of local government finance shall adjust the maximum property tax rate in 2004, and the maximum property tax rate applies to property taxes first due and payable in 2004 and for each subsequent year.**

(j) To be eligible for the deduction granted under subsection (d), the taxpayer shall make a one (1) time payment in lieu of taxes (PILOT) in a county that has a school city (as defined in IC 20-3-11-1). The PILOT is equal to the amount of property taxes that would have been levied by the governing body for the school corporation on the property described in subsection (d) for its capital projects fund if the property were not subject to an

exemption from property taxation. The PILOT shall be imposed as are property taxes and shall be based on the assessed value of the real property described in subsection (d). The property described in subsection (d) shall be assessed as though the property were not subject to an exemption. The PILOT collected under this subsection shall be deposited in the capital projects fund of the school corporation that would have received the property taxes assessed on the property if it were not exempted by subsection (d). The amount deposited may be used for any purpose for which other money in the capital projects fund may be used. The PILOT shall bear interest, if unpaid, as in the case of other taxes on property. Except for the required date of payment under subsection (d), the PILOT shall be treated in the same manner as taxes for purposes of all procedural and substantive provisions of law.".

(Reference is to ESB 520 as printed April 2, 2003.)

and when so amended that said bill do pass.

Committee Vote: yeas 28, nays 0.

CRAWFORD, Chair

Report adopted.

ENGROSSED SENATE BILLS ON SECOND READING

Engrossed Senate Bill 28

Representative Thomas called down Engrossed Senate Bill 28 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 57

Representative C. Brown called down Engrossed Senate Bill 57 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 75

Representative Hasler called down Engrossed Senate Bill 75 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 88

Representative Kromkowski called down Engrossed Senate Bill 88 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 117

Representative Porter called down Engrossed Senate Bill 117 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 121

Representative Day called down Engrossed Senate Bill 121 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 141

Representative Avery called down Engrossed Senate Bill 141 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 188

Representative Avery called down Engrossed Senate Bill 188 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 205

Representative Weinzapfel called down Engrossed Senate Bill 205 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 219

Representative Chowning called down Engrossed Senate Bill 219 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 225

Representative Herrell called down Engrossed Senate Bill 225 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 238

Representative Frenz called down Engrossed Senate Bill 238 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 242

Representative Cheney called down Engrossed Senate Bill 242 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 251

Representative Klinker called down Engrossed Senate Bill 251 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 259

Representative Goodin called down Engrossed Senate Bill 259 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 262

Representative Fry called down Engrossed Senate Bill 262 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 292

Representative Grubb called down Engrossed Senate Bill 292 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 304

Representative Reske called down Engrossed Senate Bill 304 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 314

Representative L. Lawson called down Engrossed Senate Bill 314 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 332

Representative Frenz called down Engrossed Senate Bill 332 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 355

Representative Bischoff called down Engrossed Senate Bill 355 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 362

Representative Welch called down Engrossed Senate Bill 362 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 396

Representative C. Brown called down Engrossed Senate Bill 396 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 417

Representative Stilwell called down Engrossed Senate Bill 417 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 435

Representative Bardon called down Engrossed Senate Bill 435 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 457

Representative Bardon called down Engrossed Senate Bill 457 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 457–2)

Mr. Speaker: I move that Engrossed Senate Bill 457 be amended to read as follows:

Page 2, line 3, reset in roman "with specific written authorization".

Page 2, line 3, after "~~of~~" insert "**of:**".

Page 2, delete lines 4 through 5.

Page 2, delete lines 9 and 10 and insert "in a manner prescribed by the state department and for the purposes allowed under this chapter.".

Page 2, line 12, delete "**exemption**" and insert "**authorization**".

Page 2, line 27, delete "exempt" and insert "provide written authorization to allow".

Page 2, line 27, delete "registry and" and insert "registry."

Page 2, delete lines 28 and 29.

(Reference is to ESB 457 as printed April 4, 2003.)

NOE

Motion failed.

HOUSE MOTION
(Amendment 457–3)

Mr. Speaker: I move that Engrossed Senate Bill 457 be amended to read as follows:

Page 2, after line 34 , begin a new sub-paragraph and insert:

"**(5) That the patient or the patient's parent, guardian, or custodian may submit corrective comments to the state department concerning the patient's immunization data and that the state department must add the corrective comments to the patient's immunization data in the immunization data registry**.

(6) That the state department may not charge a fee for any service provided in adding the corrective comments or providing the data to the patient.

(7) That the patient's immunization data shall be removed from the immunization data registry by the department one (1) year after the patient becomes twenty-one (21) years of age."

Page 3, after line 21 , begin a new paragraph and insert:

"SECTION 4. IC 16-38-5-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 4. (a) The state department shall provide a copy of a patient's immunization data to a patient or a patient's parent, guardian, or custodian, upon the written request of the patient or the patient's parent, guardian, or custodian.**

(b) The patient or the patient's parent, guardian, or custodian may submit corrective comments to the state department concerning the patient's immunization data. The state department shall add the corrective comments to the patient's immunization data in the immunization data registry.

(c) The state department may not charge a fee for any service provided under this section.

Page 3, after line 39 , begin a new paragraph and insert:

"SECTION 5. IC 16-38-5-5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 5. The state department shall remove a patient's immunization data from the immunization data registry not later than one (1) year after the patient becomes twenty-one (21) years of age.**"

Renumber all SECTIONS consecutively.

(Reference is to ESB 457 as printed April 4, 2003.)

NOE

Motion failed. The bill was ordered engrossed.

Engrossed Senate Bill 461

Representative C. Brown called down Engrossed Senate Bill 461 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 475

Representative Bottorff called down Engrossed Senate Bill 475 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 475–1)

Mr. Speaker: I move that Engrossed Senate Bill 475 be amended to read as follows:

Page 4, between lines 12 and 13, begin a new paragraph and insert:

"SECTION 3. IC 5-13-10.5-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 10. A public officer of the state may invest or reinvest funds that are held by the public officer and available for investment in obligations issued, assumed, or guaranteed **as to the payment of principal and interest** by:

(1) the International Bank for Reconstruction and Redevelopment; ~~or~~

(2) the African Development Bank; **or**

(3) the State of Israel.".

(Renumber all SECTIONS consecutively.)

(Reference is to ESB 475 as printed April 2, 2003.)

BOTTORFF

Motion prevailed.

HOUSE MOTION
(Amendment 475–2)

Mr. Speaker: I move that Engrossed Senate Bill 475 be amended to read as follows:

Page 4, between lines 20 and 21, begin a new paragraph and insert:

"SECTION 5. IC 36-2-6-23 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 23. With the approval of the fiscal body for the county, a county is specifically authorized to be a debtor that is entitled to relief from the county's debts under the provisions of 11 U.S.C. 901 et seq. (adjustment of debts of a municipality).**".

Renumber all SECTIONS consecutively.

(Reference is to ESB 475 as printed April 2, 2003.)

MURPHY

Motion failed. The bill was ordered engrossed.

Engrossed Senate Bill 482

Representative V. Smith called down Engrossed Senate Bill 482 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 482–2)

Mr. Speaker: I move that Engrossed Senate Bill 482 be amended to read as follows:

Page 2, after line 11, begin a new sub-paragraph and insert:

"**(C) A certificate of completion of a literacy and basic life skills program approved by the department of correction.**"

Page 2, after line 30, begin a new sub-paragraph and insert:

"**(7) Not more than a total of twelve (12) months credit, as determined by the department of correction, for the completion of one (1) or more literacy and basic life skills programs approved by the department of correction.**"

Page 4, after line 3, begin a new paragraph and insert:

"**(k) A peron may earn credit time for multiple degrees at the**

same education level under subsection (d) only in accordance with guidlines approved by the department of correction. The department of correction may approve guidelines for proper sequence of education gegrees under subsection (d).

(Reference is to ESB 0482 as printed April 4, 2003)

PORTER

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 485

Representative Kuzman called down Engrossed Senate Bill 485 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 504

Representative C. Brown called down Engrossed Senate Bill 504 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 504–5)

Mr. Speaker: I move that Engrossed Senate Bill 504 be amended to read as follows:

Page 1, line 17, after "merchant" insert "**complies with the following**".

Page 2, line 1, delete "obtains" and insert "**Obtains**".

Page 2, line 17, delete "IC 6-7-1;" and insert "**IC 6-7-1.**".

Page 2, line 18, delete "makes" and insert "**Makes**".

Page 2, line 20, delete "base; and" and insert "**base of valid government issued identification, which must include the date of birth or age of the individual placing the order. A valid government issued identification may include a driver's license, a state identification card, military identification, a passport, an official naturalization or immigration document, or a voter registration card. However, if the prospective customer's age cannot be verified using the data base, the prospective customer shall submit a photocopy or other image of a valid government issued identification that includes the date of birth or age of the customer.**".

Page 2, line 21, delete "receives" and insert "**Receives**".

Page 2, line 21, delete "credit" and insert "**check, credit card,**".

Page 2, between lines 22 and 23, begin a new line block indented and insert:

"**(4) Submits, to each credit or debit card acquiring company with whom the merchant has credit or debit card sales, information in an appropriate form so that the words "tobacco products" will be printed on the purchaser's credit or debit card statement when cigarettes are purchased using a credit or debit card.**".

(Reference is to ESB 504 as printed March 28, 2003.)

C. BROWN

Motion prevailed.

HOUSE MOTION
(Amendment 504–1)

Mr. Speaker: I move that Engrossed Senate Bill 504 be amended to read as follows:

Page 4, between lines 27 and 28, begin a new paragraph blocked left and insert:

"In addition to the requirements in subsections (1) and (2), as part of a delivery sale the merchant shall inform the customer in writing of all state taxes imposed by the customer's state of residence, including a computation of the amount of taxes due.".

(Reference is to ESB 504 as printed March 28, 2003.)

BEHNING

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 505

Representative Stevenson called down Engrossed Senate Bill 505 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 505–1)

Mr. Speaker: I move that Engrossed Senate Bill 505 be amended to read as follows:

Page 3, after line 28 , begin a new paragraph and insert:

"SECTION 16. IC 6-3.5-7-5, AS AMENDED BY P.L.192-2002(ss), SECTION 121, IS AMENDED TO READ AS FOLLOWS: Sec. 5. (a) Except as provided in subsection (c), the county economic development income tax may be imposed on the adjusted gross income of county taxpayers. The entity that may impose the tax is:

(1) the county income tax council (as defined in IC 6-3.5-6-1) if the county option income tax is in effect on January 1 of the year the county economic development income tax is imposed;

(2) the county council if the county adjusted gross income tax is in effect on January 1 of the year the county economic development tax is imposed; or

(3) the county income tax council or the county council, whichever acts first, for a county not covered by subdivision (1) or (2).

To impose the county economic development income tax, a county income tax council shall use the procedures set forth in IC 6-3.5-6 concerning the imposition of the county option income tax.

(b) Except as provided in subsections (c), (g), (k), ~~and~~ (p), **and (r)** the county economic development income tax may be imposed at a rate of:

(1) one-tenth percent (0.1%);
(2) two-tenths percent (0.2%);
(3) twenty-five hundredths percent (0.25%);
(4) three-tenths percent (0.3%);
(5) thirty-five hundredths percent (0.35%);
(6) four-tenths percent (0.4%);
(7) forty-five hundredths percent (0.45%); or
(8) five-tenths percent (0.5%);

on the adjusted gross income of county taxpayers.

(c) Except as provided in subsection (h), (i), (j), (k), (l), (m), (n), (o), or (p), the county economic development income tax rate plus the county adjusted gross income tax rate, if any, that are in effect on January 1 of a year may not exceed one and twenty-five hundredths percent (1.25%). Except as provided in subsection (g) or (p), the county economic development tax rate plus the county option income tax rate, if any, that are in effect on January 1 of a year may not exceed one percent (1%).

(d) To impose, increase, decrease, or rescind the county economic development income tax, the appropriate body must, after January 1 but before April 1 of a year, adopt an ordinance. The ordinance to impose the tax must substantially state the following:

"The _____ County _____ imposes the county economic development income tax on the county taxpayers of _____ County. The county economic development income tax is imposed at a rate of _____ percent (____%) on the county taxpayers of the county. This tax takes effect July 1 of this year.".

(e) Any ordinance adopted under this chapter takes effect July 1 of the year the ordinance is adopted.

(f) The auditor of a county shall record all votes taken on ordinances presented for a vote under the authority of this chapter and shall, not more than ten (10) days after the vote, send a certified copy of the results to the commissioner of the department by certified mail.

(g) This subsection applies to a county having a population of more than one hundred forty-eight thousand (148,000) but less than one hundred seventy thousand (170,000). Except as provided in subsection (p), in addition to the rates permitted by subsection (b), the:

(1) county economic development income tax may be imposed at a rate of:
(A) fifteen-hundredths percent (0.15%);
(B) two-tenths percent (0.2%); or
(C) twenty-five hundredths percent (0.25%); and

(2) county economic development income tax rate plus the county option income tax rate that are in effect on January 1 of a year may equal up to one and twenty-five hundredths percent (1.25%);

if the county income tax council makes a determination to impose rates under this subsection and section 22 of this chapter.

(h) For a county having a population of more than forty-one thousand (41,000) but less than forty-three thousand (43,000), except as provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and thirty-five hundredths percent (1.35%) if the county has imposed the county adjusted gross income tax at a rate of one and one-tenth percent (1.1%) under IC 6-3.5-1.1-2.5.

(i) For a county having a population of more than thirteen thousand five hundred (13,500) but less than fourteen thousand (14,000), except as provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and fifty-five hundredths percent (1.55%).

(j) For a county having a population of more than seventy-one thousand (71,000) but less than seventy-one thousand four hundred (71,400), except as provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%).

(k) This subsection applies to a county having a population of more than twenty-seven thousand four hundred (27,400) but less than twenty-seven thousand five hundred (27,500). Except as provided in subsection (p), in addition to the rates permitted under subsection (b):

(1) the county economic development income tax may be imposed at a rate of twenty-five hundredths percent (0.25%); and

(2) the sum of the county economic development income tax rate and the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%);

if the county council makes a determination to impose rates under this subsection and section 22.5 of this chapter.

(l) For a county having a population of more than twenty-nine thousand (29,000) but less than thirty thousand (30,000), except as provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%).

(m) For:

(1) a county having a population of more than one hundred eighty-two thousand seven hundred ninety (182,790) but less than two hundred thousand (200,000); or

(2) a county having a population of more than forty-five thousand (45,000) but less than forty-five thousand nine hundred (45,900);

except as provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%).

(n) For a county having a population of more than six thousand (6,000) but less than eight thousand (8,000), except as provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%).

(o) This subsection applies to a county having a population of more than thirty-nine thousand (39,000) but less than thirty-nine thousand six hundred (39,600). Except as provided in subsection (p), in addition to the rates permitted under subsection (b):

(1) the county economic development income tax may be imposed at a rate of twenty-five hundredths percent (0.25%); and

(2) the sum of the county economic development income tax rate and:

(A) the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%); or

(B) the county option income tax rate that are in effect on January 1 of a year may not exceed one and twenty-five hundredths percent (1.25%);

if the county council makes a determination to impose rates under this subsection and section 24 of this chapter.

(p) In addition:

(1) the county economic development income tax may be imposed at a rate that exceeds by not more than twenty-five hundredths percent (0.25%) the maximum rate that would otherwise apply under this section; and

(2) the:

(A) county economic development income tax; and

(B) county option income tax or county adjusted gross income tax;

may be imposed at combined rates that exceed by not more than twenty-five hundredths percent (0.25%) the maximum combined rates that would otherwise apply under this section. However, the additional rate imposed under this subsection may not exceed the amount necessary to mitigate the increased ad valorem property taxes on homesteads (as defined in IC 6-1.1-20.9-1) resulting from the deduction of the assessed value of inventory in the county under IC 6-1.1-12-41 or IC 6-1.1-12-42.

(q) If the county economic development income tax is imposed as authorized under subsection (p) at a rate that exceeds the maximum rate that would otherwise apply under this section, the certified distribution must be used for the purpose provided in section 25(e) or 26 of this chapter to the extent that the certified distribution results from the difference between:

(1) the actual county economic development tax rate; and

(2) the maximum rate that would otherwise apply under this section.

(r) This subsection applies only to a county described in section 27 of this chapter. Except as provided in subsection (p), in addition to the rates permitted by subsection (b), the:

(1) county economic development income tax may be imposed at a rate of twenty-five hundredths percent (0.25%); and

(2) county economic development income tax rate plus the county option income tax rate that are in effect on January 1 of a year may equal up to one and twenty-five hundredths percent (1.25%);

if the county council makes a determination to impose rates under this subsection and section 27 of this chapter."

SECTION 17. IC 6-3.5-7-12, AS AMENDED BY P.L.192-2002(ss), SECTION 122, IS AMENDED TO READ AS FOLLOWS: Sec. 12. (a) Except as provided in sections 23, 25, ~~and~~ 26**, and 27** of this chapter, the county auditor shall distribute in the manner specified in this section the certified distribution to the county.

(b) Except as provided in subsections (c) and (h) and sections 15 and 25 of this chapter, the amount of the certified distribution that the county and each city or town in a county is entitled to receive during May and November of each year equals the product of the following:

(1) The amount of the certified distribution for that month; multiplied by

(2) A fraction. The numerator of the fraction equals the sum of the following:

(A) Total property taxes that are first due and payable to the county, city, or town during the calendar year in which the month falls; plus

(B) For a county, an amount equal to:

(i) the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund; plus

(ii) after December 31, 2004, the greater of zero (0) or the difference between the county hospital care for the indigent property tax levy imposed by the county in 2004, adjusted each year after 2004 by the statewide average assessed value growth quotient described in IC 12-16-14-3, minus the current uninsured parents program property tax levy imposed by the county.

The denominator of the fraction equals the sum of the total property taxes that are first due and payable to the county and all cities and towns of the county during the calendar year in which the month falls, plus an amount equal to the property taxes imposed by the county in 1999 for the county's welfare fund and welfare

administration fund, and after December 31, 2004, the greater of zero (0) or the difference between the county hospital care for the indigent property tax levy imposed by the county in 2004, adjusted each year after 2004 by the statewide average assessed value growth quotient described in IC 12-16-14-3, minus the current uninsured parents program property tax levy imposed by the county.

(c) This subsection applies to a county council or county income tax council that imposes a tax under this chapter after June 1, 1992. The body imposing the tax may adopt an ordinance before July 1 of a year to provide for the distribution of certified distributions under this subsection instead of a distribution under subsection (b). The following apply if an ordinance is adopted under this subsection:

(1) The ordinance is effective January 1 of the following year.

(2) Except as provided in sections 25 and 26 of this chapter, the amount of the certified distribution that the county and each city and town in the county is entitled to receive during May and November of each year equals the product of:

(A) the amount of the certified distribution for the month; multiplied by

(B) a fraction. For a city or town, the numerator of the fraction equals the population of the city or the town. For a county, the numerator of the fraction equals the population of the part of the county that is not located in a city or town. The denominator of the fraction equals the sum of the population of all cities and towns located in the county and the population of the part of the county that is not located in a city or town.

(3) The ordinance may be made irrevocable for the duration of specified lease rental or debt service payments.

(d) The body imposing the tax may not adopt an ordinance under subsection (c) if, before the adoption of the proposed ordinance, any of the following have pledged the county economic development income tax for any purpose permitted by IC 5-1-14 or any other statute:

(1) The county.

(2) A city or town in the county.

(3) A commission, a board, a department, or an authority that is authorized by statute to pledge the county economic development income tax.

(e) The department of local government finance shall provide each county auditor with the fractional amount of the certified distribution that the county and each city or town in the county is entitled to receive under this section.

(f) Money received by a county, city, or town under this section shall be deposited in the unit's economic development income tax fund.

(g) Except as provided in subsection (b)(2)(B), in determining the fractional amount of the certified distribution the county and its cities and towns are entitled to receive under subsection (b) during a calendar year, the department of local government finance shall consider only property taxes imposed on tangible property subject to assessment in that county.

(h) In a county having a consolidated city, only the consolidated city is entitled to the certified distribution, subject to the requirements of sections 15, 25, and 26 of this chapter.

SECTION 18. IC 6-3.5-7-13.1, AS AMENDED BY P.L.192-2002(ss), SECTION 123, IS AMENDED TO READ AS FOLLOWS: Sec. 13.1. *Effective 1-1-2003.* (a) The fiscal officer of each county, city, or town for a county in which the county economic development tax is imposed shall establish an economic development income tax fund. Except as provided in sections 23, 25, ~~and~~ 26**, and 27** of this chapter, the revenue received by a county, city, or town under this chapter shall be deposited in the unit's economic development income tax fund.

(b) Except as provided in sections 15, 23, 25, ~~and~~ 26**, and 27** of this chapter, revenues from the county economic development income tax may be used as follows:

(1) By a county, city, or town for economic development projects, for paying, notwithstanding any other law, under a written agreement all or a part of the interest owed by a private developer or user on a loan extended by a financial institution or other lender to the developer or user if the proceeds of the loan are or are to be used to finance an economic development project, for the retirement of bonds under section 14 of this chapter for economic development projects, for leases under section 21 of this chapter, or for leases or bonds entered into or issued prior to the date the economic development income tax was imposed if the purpose of the lease or bonds would have qualified as a purpose under this chapter at the time the lease was entered into or the bonds were issued.

(2) By a county, city, or town for:

(A) the construction or acquisition of, or remedial action with respect to, a capital project for which the unit is empowered to issue general obligation bonds or establish a fund under any statute listed in IC 6-1.1-18.5-9.8;

(B) the retirement of bonds issued under any provision of Indiana law for a capital project;

(C) the payment of lease rentals under any statute for a capital project;

(D) contract payments to a nonprofit corporation whose primary corporate purpose is to assist government in planning and implementing economic development projects;

(E) operating expenses of a governmental entity that plans or implements economic development projects;

(F) to the extent not otherwise allowed under this chapter, funding substance removal or remedial action in a designated unit; or

(G) funding of a revolving fund established under IC 5-1-14-14.

(c) As used in this section, an economic development project is any project that:

(1) the county, city, or town determines will:

(A) promote significant opportunities for the gainful employment of its citizens;

(B) attract a major new business enterprise to the unit; or

(C) retain or expand a significant business enterprise within the unit; and

(2) involves an expenditure for:

(A) the acquisition of land;

(B) interests in land;

(C) site improvements;

(D) infrastructure improvements;

(E) buildings;

(F) structures;

(G) rehabilitation, renovation, and enlargement of buildings and structures;

(H) machinery;

(I) equipment;

(J) furnishings;

(K) facilities;

(L) administrative expenses associated with such a project, including contract payments authorized under subsection (b)(2)(D);

(M) operating expenses authorized under subsection (b)(2)(E); or

(N) to the extent not otherwise allowed under this chapter, substance removal or remedial action in a designated unit;

or any combination of these.

SECTION 19. IC 6-3.5-7-27 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 27. (a) This section applies to a county that:**

(1) operates a courthouse that is subject to an order that:

(A) is issued by a federal district court;

(B) applies to an action commenced before January 1, 2003; and

(C) requires the county to comply with the American with Disabilities Act; (2) has insufficient revenues to finance the construction, acquisition, improvement, renovation, equipping, and operation of the courthouse facilities and related facilities.

(b) A county described in this section possesses unique fiscal challenges in financing, renovating, equipping, and operating the

county courthouse facilities and related facilities because the county consistently has one has one of the highest unemployment rates in Indiana. Maintaining low property tax rates is essential to economic development in the county. The use of economic development income tax revenues under this section for the purposes described in subsection (c) promotes that purpose.

(c) In addition to actions authorized by section 5 of this chapter, a county council may, using the procedures set forth in this chapter, adopt an ordinance to impose an additional county economic development income tax on the adjusted gross income of county taxpayers. The ordinance imposing the additional tax must include a finding that revenues from additional tax are needed to pay the costs of:

(1) constructing, acquiring, improving, renovating, equipping, or operating the county courthouse or related facilities;

(2) repaying any bonds issued, or leases entered into, for constructing, acquiring, improving, renovating, equipping, or operating the county courthouse or related facilities; and

(3) economic development projects described in the county's capital improvement plan.

(d) The tax rate imposed under this section may not exceed twenty-five hundredths percent (0.25%).

(e) If the county council adopts an ordinance to impose an additional tax under this section, the county auditor shall immediately send a certified copy of the ordinance to the department by certified mail. The county treasurer shall establish a county facilities revenue fund to be used only for the purposes described in subsection (c)(1) and (c)(2). The amount of county economic development income tax revenues derived from the tax rate imposed under this section that are necessary to pay the const described in subsection (c)(1) and (c)(2) shall be deposited into the county facilities revenue fund before a certified distribution is made under section 12 of this chapter. The remainder shall be deposited into the economic development income tax funds of the county's units.

(f) County economic development income tax revenues derived from the tax rate imposed under this section may not be used for purposes other than those described in this section.

(g) County economic development income tax revenues derived from the tax rate imposed under this section that are deposited into the county facilities revenue fund may not be considered by the department of local government finance in determining the county's ad valorem property tax levy for an ensuing calendar year under IC 6-1.1-18.5.

(h) Notwithstanding section 5 of this chapter, and ordinance may be adopted under this section at any time. If the ordinance is adopted before June 1 of a year, a tax rate imposed under this section takes effect July 1 of that year. If the ordinance is adopted after May 31 of a year, a tax rate imposed under this section takes effect on the January 1 immediately following adoption of the ordinance.

(i) For a county adopting an ordinance before June 1 in a year, in determining the certified distribution under section 11 of this chapter for the calendar year beginning with the immediately following January 1 and each calendar year thereafter, the department shall take into account the certified ordinance mailed to the department under subsection (e). For a county adopting an ordinance after May 31, the department shall issue an initial or revised certified distribution for the calendar year beginning with the immediately following January 1. Except for a county adopting an ordinance after May 31, a county's certified distribution shall be distributed on the dates specified under section 16 of this chapter. In the case of a county adopting an ordinance after May 31, the county, beginning with the calendar year beginning on the immediately following January 1, shall receive the entire certified distribution for the calendar year on November 1 of the year.

(j) Notwithstanding any other law, funds accumulated from the county economic development income tax imposed under this section and deposited into the the county facilities revenue fund or any other revenues of the county may be deposited into a nonreverting fund of the county to be used for operating costs of the courthouse facilities, juvenile detention facilities, or related facilities. Amounts in the county nonreverting fund may not be used by the department of local government finance to reduce the county's ad valorem property tax levy for an ensuing calendar year under IC 6-1.1-18.5"

Page 23, after line 8 , begin a new paragraph and insert:

"SECTION 22. **An emergency is declared for this act."**

(Reference is to ESB 0505 as printed April 1, 2003.)

HOFFMAN

Representative Pelath rose to a point of order, citing Rule 118, stating that the motion was attempting to incorporate into Engrossed Senate Bill 505 a bill pending before the House. The Speaker ruled the point was well taken and the motion was out of order.

There being no further amendments, the bill was ordered engrossed.

Engrossed Senate Bill 519

Representative Herrell called down Engrossed Senate Bill 519 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 523

Representative Avery called down Engrossed Senate Bill 523 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 528

Representative Moses called down Engrossed Senate Bill 528 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

OTHER BUSINESS ON THE SPEAKER'S TABLE

MESSAGE FROM THE SENATE

Mr. Speaker: I hereby transmit Senate Enrolled Acts 63, 182, 220, 240, and 320 for signature of the Speaker of the House.

MARY C. MENDEL
Principal Secretary of the Senate

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, Ethics and Veterans Affairs, to which was referred Engrossed Senate Bill 71, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, between lines 16 and 17, begin a new paragraph and insert:

""Interactive computer service" means an information service, a system, or an access software provider that provides or enables computer access to a computer served by multiple users. The term includes the following:

(1) A service or system that provides access to the Internet.

(2) A system operated or services offered by a library, a school, a state educational institution (as defined in IC 20-12-0.5-1), or a private college or university.".

Page 3, line 1, after "lotteries" delete ",".

Page 3, line 1, strike "gift enterprises,".

Page 3, line 2, after "games" delete ",".

Page 3, line 29, delete ", gift enterprises,".

Page 3, line 30, after "games" delete ",".

Page 4, between lines 37 and 38, begin a new paragraph and insert:

"SECTION 4. IC 35-45-5-4.6 IS ADDED TO THE INDIANA CODE A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 4.6. (a) An interactive computer service may, upon its own initiative, block the receipt or transmission through its service of any commercial electronic mail message that it**

reasonably believes is or will be sent in violation of this chapter.

(b) An interactive computer service is not liable for any action voluntarily taken in good faith to block the receipt or transmission through its service of any transmission that it reasonably believes is or will be sent in violation of this chapter.

SECTION 5. IC 35-45-5-4.7 IS ADDED TO THE INDIANA CODE A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 4.7. (a) An interactive computer service that handles or retransmits a commercial electronic mail message has a right of action against a person who initiates or assists the transmission of a commercial electronic mail message that violates this chapter.**

(b) This chapter does not provide a right of action against:

(1) an interactive computer service;

(2) a telephone company; or

(3) a CMRS provider (as defined by IC 36-8-16.5-6);

whose equipment is used to transport, handle, or retransmit a gaming web page that violates this chapter.

(c) It is a defense to an action under this section if the defendant shows by a preponderance of the evidence that the violation of this chapter resulted from a good faith error and occurred notwithstanding the maintenance of procedures reasonably adopted to avoid violations of this chapter.

(d) If the plaintiff prevails in an action filed under this section, the plaintiff is entitled to the following:

(1) An injunction to enjoin future violations of this chapter.

(2) Compensatory damages equal to any actual damage proven by the plaintiff to have resulted from the initiation of the commercial electronic mail message. If the plaintiff does not prove actual damage, the plaintiff is entitled to presumptive damages of five hundred dollars ($500) for each commercial electronic mail message that violates this chapter and that is sent by the defendant:

(A) to the plaintiff; or

(B) through the plaintiff's interactive computer service.

(3) The plaintiff's reasonable attorney's fees and other litigation costs reasonably incurred in connection with the action.

(e) A person outside Indiana who:

(1) initiates or assists the transmission of a commercial electronic mail message that violates this chapter; and

(2) knows or should know that the commercial electronic mail message will be received in Indiana;

submits to the jurisdiction of Indiana courts for purposes of this chapter.".

Renumber all SECTIONS consecutively.

(Reference is to SB 71 as printed January 15, 2003.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

LYTLE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Engrossed Senate Bill 115, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, delete lines 18 through 32, begin a new paragraph and insert:

"SECTION 2. IC 35-44-3-9, AS AMENDED BY P.L.243-1999, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001 (RETROACTIVE)]: Sec. 9. (a) As used in this section, "juvenile facility" means the following:

(1) A secure facility (as defined in IC 31-9-2-114) in which a child is detained under IC 31 or used for a child awaiting adjudication or adjudicated under IC 31 as a child in need of services or a delinquent child.

(2) A shelter care facility (as defined in IC 31-9-2-117) in which a child is detained under IC 31 or used for a child awaiting adjudication or adjudicated under IC 31 as a child in need of services or a delinquent child.

(b) A person who, without the prior authorization of the person in charge of a penal facility or juvenile facility knowingly or intentionally:

(1) delivers, or carries into the penal facility or juvenile facility with intent to deliver, an article to an inmate or child of the facility;

(2) carries, or receives with intent to carry out of the penal facility or juvenile facility, an article from an inmate or child of the facility; or

(3) delivers, or carries to a ~~work site~~ **worksite** with the intent to deliver, alcoholic beverages to an inmate or child of a jail work crew or community work crew;

commits trafficking with an inmate, a Class A misdemeanor. However, the offense is a Class C felony if the article is a controlled substance or a deadly weapon.

(c) It is a defense to a charge under subsection (b)(1) that the article delivered to an inmate or child is:

(1) not contraband or prohibited property (as defined in IC 11-11-2-1);

(2) necessary for the health or safety of the inmate or child; and

(3) delivered because the facility has not provided the inmate or child with the article after the inmate, the child, or an employee of the facility has requested the article.

SECTION 3. [EFFECTIVE JULY 1, 2003] **An employee of a penal facility who has been the subject of an adverse employment decision based on a violation of IC 35-44-3-9(b)(1) involving the delivery of an article that is not contraband or prohibited property (as defined in IC 11-11-2-1) after January 1, 2002, and before July 1, 2003, is entitled to a redetermination of any employment action taken in response to the violation, including but not limited to a rehearing or reinstatement.**".

Page 2, after line 35, begin a new paragraph and insert:

"SECTION 4. **An emergency is declared for this act.**".

Renumber all SECTIONS consecutively.

(Reference is to SB 115 as reprinted January 24, 2003.)

and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 1.

WEINZAPFEL, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Engrossed Senate Joint Resolution 5, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 27, nays 0.

CRAWFORD, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Labor and Employment, to which was referred Engrossed Senate Bill 486, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 24, delete "two" and insert "**three**".

Page 3, line 24, delete "sixteen" and insert "**fifty**".

Page 3, line 24, delete "($8,216)" and insert "**($8,350)**".

Page 3, line 32, after "thousand" delete "five" and insert "**eight**".

Page 3, line 32, delete "forty-five".

Page 3, line 32, delete "($8,545)" and insert "**($8,800)**".

Page 3, line 40, delete "eight thousand eight hundred eighty-six" and insert "**nine thousand two hundred fifty**".

Page 3, line 40, delete "($8,886)" and insert "**($9,250)**".

Page 4, line 6, after "thousand" delete "two" and insert "**seven**".

Page 4, line 6, delete "forty-two".

Page 4, line 6, delete "($9,242)" and insert "**($9,700)**".

Page 4, after line 8, begin a new paragraph and insert:

"SECTION 2. IC 22-4-10.5-7, AS ADDED BY P.L.290-2001, SECTION 1, IS AMENDED TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2003]: Sec. 7. **(a) After making the deposit required by subsection (b),** the department shall deposit skills 2016 training assessments paid to the department under this chapter in the skills 2016 training fund established by IC 22-4-24.5-1.

(b) After June 30, 2003, unless the board approves a lesser amount, the department annually shall deposit the first four hundred fifty thousand dollars ($450,000) in skills 2016 training assessments paid to the department under this chapter in the special employment and training services fund established by IC 22-4-25-1 for the training and counseling assistance described in IC 22-4-25-1(f).

SECTION 3. IC 22-4-11-3, AS AMENDED BY P.L.30-2000, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3. (a) ~~Except as provided in section 3.2 of this chapter,~~ The applicable schedule of rates for the calendar year 1983 and thereafter shall be determined by the ratio resulting when the balance in the fund as of the determination date is divided by the total payroll of all subject employers for the immediately preceding calendar year. Schedule A, B, C, or D, appearing on the line opposite the fund ratio in the schedule below, shall be applicable in determining and assigning each employer's contribution rate for the calendar year immediately following the determination date. For the purposes of this subsection, "total payroll" means total remuneration reported by all contributing employers as required by this article and does not include the total payroll of any employer who elected to become liable for payments in lieu of contributions (as defined in IC 22-4-2-32). For the purposes of this subsection, "subject employers" means those employers who are subject to contribution.

FUND RATIO SCHEDULE

When the Fund Ratio Is:

As Much As	But Less Than	Applicable Schedule
	1.0%	A
1.0%	1.5%	B
1.5%	2.25%	C
2.25%		D

(b) **For calendar years before 2002,** if the conditions and requirements of section 2 of this chapter are met, the rate of contributions shall be determined and assigned, with respect to each calendar year, to employers whose accounts have a credit balance and who are eligible therefor according to each employer's credit reserve ratio. Each employer shall be assigned the contribution rate appearing in the applicable schedule A, B, C, or D on the line opposite his credit reserve ratio as set forth in the rate schedule below:

RATE SCHEDULE FOR ACCOUNTS WITH CREDIT BALANCES

When the Credit Reserve Ratio Is:

As Much As	But Less Than	Rate Schedules (%) A	B	C	D	E
3.0		1.2	0.2	0.2	0.2	0.15
2.8	3.0	1.4	0.4	0.2	0.2	0.15
2.6	2.8	1.6	0.6	0.2	0.2	0.15
2.4	2.6	1.8	0.8	0.4	0.2	0.2
2.2	2.4	2.0	1.0	0.6	0.2	0.2
2.0	2.2	2.2	1.2	0.8	0.4	0.4
1.8	2.0	2.4	1.4	1.0	0.6	0.6
1.6	1.8	2.6	1.6	1.2	0.8	0.8
1.4	1.6	2.8	1.8	1.4	1.0	1.0
1.2	1.4	3.0	2.0	1.6	1.2	1.2
1.0	1.2	3.2	2.2	1.8	1.4	1.4
0.8	1.0	3.4	2.4	2.0	1.6	1.6
0.6	0.8	3.6	2.6	2.2	1.8	1.8
0.4	0.6	3.8	2.8	2.4	2.0	2.0
0.2	0.4	4.0	3.0	2.6	2.2	2.2
0	0.2	4.2	3.2	2.8	2.4	2.4

(c) Each employer whose account as of any computation date occurring on and after June 30, 1984, shows a debit balance shall be assigned the rate of contributions appearing on the line opposite his debit ratio as set forth in the following rate schedule for accounts with debit balances:

RATE SCHEDULE FOR ACCOUNTS WITH DEBIT BALANCES

When the Debit Reserve Ratio Is:

As Much As	But Less Than	Rate Schedules (%) A	B	C	D	E
	1.5	4.5	4.4	4.3	4.2	3.6
1.5	3.0	4.8	4.7	4.6	4.5	3.8
3.0	4.5	5.1	5.0	4.9	4.8	4.1
4.5	6.0	5.4	5.3	5.2	5.1	4.4
6.0		5.7	5.6	5.5	5.4	5.4

(d) Any adjustment in the amount charged to any employer's experience account made subsequent to the assignment of rates of contributions for any calendar year shall not operate to alter the amount charged to the experience accounts of any other base-period employers.

SECTION 4. IC 22-4-11-3.3, AS AMENDED BY P.L.1-2002, SECTION 89, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3.3. (a) For calendar years ~~2002 through 2004,~~ **after 2001,** if the conditions of section 2 of this chapter are met, the rate of contributions shall be determined and assigned, with respect to each calendar year, to employers whose accounts have a credit balance and who are eligible therefore according to each employer's credit reserve ratio. ~~Except as provided in section 3.2(b) of this chapter,~~ Each employer shall be assigned the contribution rate appearing in the applicable schedule A, B, C, D, or E on the line opposite the employer's credit reserve ratio as set forth in the rate schedule below:

RATE SCHEDULE FOR ACCOUNTS WITH CREDIT BALANCES

When the Credit Reserve Ratio Is:

As Much As	But Less Than	Rate Schedules (%) A	B	C	D	E
3.00		1.10	0.10	0.10	0.10	0.15
2.80	3.00	1.30	0.30	0.10	0.10	0.15
2.60	2.80	1.50	0.50	0.10	0.10	0.15
2.40	2.60	1.70	0.70	0.30	0.10	0.20
2.20	2.40	1.90	0.90	0.50	0.10	0.20
2.00	2.20	2.10	1.10	0.70	0.30	0.40
1.80	2.00	2.30	1.30	0.90	0.50	0.60
1.60	1.80	2.50	1.50	1.10	0.70	0.80
1.40	1.60	2.70	1.70	1.30	0.90	1.00
1.20	1.40	2.90	1.90	1.50	1.10	1.20
1.00	1.20	3.10	2.10	1.70	1.30	1.40
0.80	1.00	3.30	2.30	1.90	1.50	1.60
0.60	0.80	3.50	2.50	2.10	1.70	1.80
0.40	0.60	3.70	2.70	2.30	1.90	2.00
0.20	0.40	3.90	2.90	2.50	2.10	2.20
0.00	0.20	4.10	3.10	2.70	2.30	2.40

(b) For calendar years ~~2002 through 2004,~~ **after 2001,** if the conditions of section 2 of this chapter are met, the rate of contributions shall be determined and assigned, with respect to each calendar year, to employers whose accounts have a debit balance and who are eligible therefore according to each employer's debit reserve ratio. Each employer shall be assigned the contribution rate appearing in the applicable schedule A, B, C, D, or E on the line opposite the employer's debit reserve ratio as set forth in the rate schedule below:

RATE SCHEDULE FOR ACCOUNTS WITH DEBIT BALANCES

When the Debit Reserve Ratio Is:

As Much As	But Less Than	Rate Schedules (%) A	B	C	D	E
	1.50	4.40	4.30	4.20	4.10	5.40
1.50	3.00	4.70	4.60	4.50	4.40	5.40
3.00	4.50	5.00	4.90	4.70	4.70	5.40
4.50	6.00	5.30	5.20	5.10	5.00	5.40
	6.00	5.60	5.50	5.40	5.40	5.40

SECTION 5. IC 22-4-15-1, AS AMENDED BY P.L.290-2001, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. (a) With respect to benefit

periods established on and after July 6, 1980, an individual who has voluntarily left the individual's most recent employment without good cause in connection with the work or who was discharged from the individual's most recent employment for just cause is ineligible for waiting period or benefit rights for the week in which the disqualifying separation occurred and until the individual has earned remuneration in employment equal to or exceeding the weekly benefit amount of the individual's claim in each of eight (8) weeks. If the qualification amount has not been earned at the expiration of an individual's benefit period, the unearned amount shall be carried forward to an extended benefit period or to the benefit period of a subsequent claim.

(b) When it has been determined that an individual has been separated from employment under disqualifying conditions as outlined in this section, the maximum benefit amount of ~~his~~ **the individual's** current claim, as initially determined, shall be reduced by twenty-five percent (25%). If twenty-five percent (25%) of the maximum benefit amount is not an even dollar amount, the amount of such reduction will be raised to the next higher even dollar amount. The maximum benefit amount may not be reduced by more than twenty-five percent (25%) during any benefit period or extended benefit period.

(c) The disqualifications provided in this section shall be subject to the following modifications:

(1) An individual shall not be subject to disqualification because of separation from the individual's employment if:

(A) the individual left to accept with another employer previously secured permanent full-time work which offered reasonable expectation of continued covered employment and betterment of wages or working conditions; and thereafter was employed on said job;

(B) having been simultaneously employed by two (2) employers, the individual leaves one (1) such employer voluntarily without good cause in connection with the work but remains in employment with the second employer with a reasonable expectation of continued employment; or

(C) the individual left to accept recall made by a base period employer.

(2) An individual whose unemployment is the result of medically substantiated physical disability and who is involuntarily unemployed after having made reasonable efforts to maintain the employment relationship shall not be subject to disqualification under this section for such separation.

(3) An individual who left work to enter the armed forces of the United States shall not be subject to disqualification under this section for such leaving of work.

(4) An individual whose employment is terminated under the compulsory retirement provision of a collective bargaining agreement to which the employer is a party, or under any other plan, system, or program, public or private, providing for compulsory retirement and who is otherwise eligible shall not be deemed to have left the individual's work voluntarily without good cause in connection with the work. However, if such individual subsequently becomes reemployed and thereafter voluntarily leaves work without good cause in connection with the work, the individual shall be deemed ineligible as outlined in this section.

(5) An otherwise eligible individual shall not be denied benefits for any week because the individual is in training approved under Section 236(a)(1) of the Trade Act of 1974, nor shall the individual be denied benefits by reason of leaving work to enter such training, provided the work left is not suitable employment, or because of the application to any week in training of provisions in this law (or any applicable federal unemployment compensation law), relating to availability for work, active search for work, or refusal to accept work. For purposes of this subdivision, the term "suitable employment" means with respect to an individual, work of a substantially equal or higher skill level than the individual's past adversely affected employment (as defined for purposes of the Trade Act of 1974), and wages for such work at not less than eighty percent (80%) of the individual's average weekly wage as determined for the purposes of the Trade Act of 1974.

(6) An individual is not subject to disqualification because of separation from the individual's employment if:

(A) the employment was outside the individual's labor market;

(B) the individual left to accept previously secured full-time work with an employer in the individual's labor market; and

(C) the individual actually became employed with the employer in the individual's labor market.

(7) An individual who, but for the voluntary separation to move to another labor market to join a spouse who had moved to that labor market, shall not be disqualified for that voluntary separation, if the individual is otherwise eligible for benefits. Benefits paid to the spouse whose eligibility is established under this subdivision shall not be charged against the employer from whom the spouse voluntarily separated.

(8) An individual who is an affected employee (as defined in IC 22-4-43-1(1)) and is subject to the work sharing unemployment insurance program under IC 22-4-43 is not disqualified from participating in the work sharing unemployment insurance program.

As used in this subsection, "labor market" means the area surrounding an individual's permanent residence, outside which the individual cannot reasonably commute on a daily basis. In determining whether an individual can reasonably commute under this subdivision, the department shall consider the nature of the individual's job.

(d) "Discharge for just cause" as used in this section is defined to include but not be limited to:

(1) separation initiated by an employer for falsification of an employment application to obtain employment through subterfuge;

(2) knowing violation of a reasonable and uniformly enforced rule of an employer;

(3) unsatisfactory attendance, if the individual cannot show good cause for absences or tardiness;

(4) damaging the employer's property through willful negligence;

(5) refusing to obey instructions;

(6) reporting to work under the influence of alcohol or drugs or consuming alcohol or drugs on employer's premises during working hours;

(7) conduct endangering safety of self or coworkers; or

(8) incarceration in jail following conviction of a misdemeanor or felony by a court of competent jurisdiction or for any breach of duty in connection with work which is reasonably owed an employer by an employee.

SECTION 6. IC 22-4-17-2, AS AMENDED BY P.L.290-2001, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. (a) When an individual files an initial claim, the department shall promptly make a determination of ~~his~~ **the individual's** status as an insured worker in a form prescribed by the board. A written notice of the determination of insured status shall be furnished ~~him~~ **to the individual** promptly. Each such determination shall be based on and include a written statement showing the amount of wages paid to the individual for insured work by each employer during the individual's base period and shall include a finding as to whether such wages meet the requirements for the individual to be an insured worker, and, if so, the week ending date of the first week of the individual's benefit period, the individual's weekly benefit amount, and the maximum amount of benefits that may be paid to the individual for weeks of unemployment in the individual's benefit period. For the individual who is not insured, the notice shall include the reason for the determination. Unless the individual, within ~~twenty (20)~~ **ten (10)** days after such determination was mailed to the individual's last known address, or otherwise delivered to the individual, asks a hearing thereon before an administrative law judge, such determination shall be final and benefits shall be paid or denied in accordance therewith.

(b) The department shall promptly furnish each employer in the base period whose experience or reimbursable account is potentially

chargeable with benefits to be paid to such individual with a notice in writing of the employer's benefit liability. Such notice shall contain the date, the name and social security account number of the individual, the ending date of the individual's base period, and the week ending date of the first week of the individual's benefit period. Such notice shall further contain information as to the proportion of benefits chargeable to the employer's experience or reimbursable account in ratio to the earnings of such individual from such employer. Unless the employer, within ~~twenty (20)~~ **ten (10)** days after such notice of benefit liability was mailed to the employer's last known address, or otherwise delivered to the employer, asks a hearing thereon before an administrative law judge, such determination shall be final and benefits paid shall be charged in accordance therewith.

(c) An employing unit, including an employer, having knowledge of any facts which may affect an individual's eligibility or right to waiting period credits or benefits, shall notify the department of such facts within ~~twenty (20)~~ **ten (10)** days after the mailing of notice that a former employee has filed an initial or additional claim for benefits on a form prescribed by the board.

(d) In addition to the foregoing determination of insured status by the department, the deputy shall, throughout the benefit period, determine the claimant's eligibility with respect to each week for which the claimant claims waiting period credit or benefit rights, the validity of the claimant's claim therefor, and the cause for which the claimant left the claimant's work, or may refer such claim to an administrative law judge who shall make the initial determination with respect thereto in accordance with the procedure in IC 22-4-17-3.

(e) In cases where the claimant's benefit eligibility or disqualification is disputed, the department shall promptly notify the claimant and the employer or employers directly involved or connected with the issue raised as to the validity of such claim, the eligibility of the claimant for waiting period credit or benefits, or the imposition of a disqualification period or penalty, or the denial thereof, and of the cause for which the claimant left the claimant's work, of such determination and the reasons thereof. Except as otherwise hereinafter provided in this subsection regarding parties located in Alaska, Hawaii, and Puerto Rico, unless the claimant or such employer, within ~~twenty (20)~~ **ten (10)** days after such notification was mailed to the claimant's or the employer's last known address, or otherwise delivered to the claimant or the employer, asks a hearing before an administrative law judge thereon, such decision shall be final and benefits shall be paid or denied in accordance therewith. With respect to notice of disputed administrative determination or decision mailed or otherwise delivered to the claimant or employer either of whom is located in Alaska, Hawaii, or Puerto Rico, unless such claimant or employer, within ~~twenty-five (25)~~ **fifteen (15)** days after such notification was mailed to the claimant's or employer's last known address or otherwise delivered to the claimant or employer, asks a hearing before an administrative law judge thereon, such decision shall be final and benefits shall be paid or denied in accordance therewith. If such hearing is desired, the request therefor shall be filed with the commissioner in writing within the prescribed periods as above set forth in this subsection and shall be in such form as the board may prescribe. In the event a hearing is requested by an employer or the department after it has been administratively determined that benefits should be allowed to a claimant, entitled benefits shall continue to be paid to said claimant unless said administrative determination has been reversed by a due process hearing. Benefits with respect to any week not in dispute shall be paid promptly regardless of any appeal.

(f) ~~No~~ **A** person may **not** participate on behalf of the department in any case in which the person is an interested party.

(g) Solely on the ground of obvious administrative error appearing on the face of an original determination, and within the benefit year of the affected claims, the commissioner, or a representative authorized by the commissioner to act in the commissioner's behalf, may reconsider and direct the deputy to revise the original determination so as to correct the obvious error appearing therein. Time for filing an appeal and requesting a hearing before an administrative law judge regarding the determinations handed down pursuant to this subsection shall begin on the date following the date of revision of the original determination and shall be filed with the commissioner in writing within the prescribed periods as above set forth in subsection (c).

(h) Notice to the employer and the claimant that the determination of the department is final if a hearing is not requested shall be prominently displayed on the notice of the determination which is sent to the employer and the claimant.

SECTION 7. IC 22-4-24.5-1, AS AMENDED BY P.L.1-2002, SECTION 92, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. (a) The skills 2016 training fund is established to do the following:

(1) Administer the costs of the skills 2016 training program established by IC 22-4-10.5.

(2) Undertake any program or activity that furthers the purposes of IC 22-4-10.5.

(3) Refund skills 2016 training assessments erroneously collected and deposited in the fund.

(b) ~~Subject to subsection (j), fifty-five~~ **Eighty-three** percent ~~(55%)~~ **(83%)** of the money in the fund shall be allocated to the state educational institution established under IC 20-12-61. The money so allocated to that state educational institution shall be used as follows:

(1) An amount to be determined annually shall be allocated to the state educational institution established under IC 20-12-61 for its costs in administering the training programs described in subsection ~~(b).~~ **(a).** However, the amount so allocated may not exceed ~~fifteen~~ **twelve and one-half** percent ~~(15%)~~ **(12.5%)** of the total amount of money allocated under this subsection.

(2) After the allocation made under subdivision (1), forty percent (40%) shall be used to provide training to participants in joint labor and management building trades apprenticeship programs approved by the United States Department of Labor's Bureau of Apprenticeship Training.

(3) After the allocation made under subdivision (1), forty percent (40%) shall be used to provide training to participants in joint labor and management industrial apprenticeship programs approved by the United States Department of Labor's Bureau of Apprenticeship Training.

(4) After the allocation made under subdivision (1), twenty percent (20%) shall be used to provide training to industrial employees not covered by subdivision (2).

(c) ~~Subject to subsection (j),~~ The remainder of the money in the fund shall be allocated as follows:

(1) An amount not to exceed one million dollars ($1,000,000) shall be allocated to the department of workforce development annually for technology needs of the department.

~~(2) An amount not to exceed four hundred fifty thousand dollars ($450,000) shall be allocated annually for training and counseling assistance under IC 22-4-14-2 provided by state educational institutions (as defined in IC 20-12-0.5-1) or counseling provided by the department of workforce development for individuals who:~~

~~(A) have been unemployed for at least four (4) weeks;~~

~~(B) are not otherwise eligible for training and counseling assistance under any other program; and~~

~~(C) are not participating in programs that duplicate those programs described in IC 22-4-25-1(c).~~

~~Training or counseling provided under IC 22-4-14-2 does not excuse the claimant from complying with the requirements of IC 22-4-14-3. Eligibility for training and counseling assistance under this subdivision shall not be determined until after the fourth week of eligibility for unemployment training compensation benefits.~~

~~(3)~~ **(2)** An amount to be determined annually shall be set aside for the payment of refunds from the fund.

~~(4)~~ **(3)** The remainder of the money in the fund after the allocations provided for in subsection (b) and subdivisions (1) through ~~(3)~~ **(2)** shall be allocated to other incumbent worker training programs.

(d) The fund shall be administered by the board. ~~However,~~ **Except for disbursements described in subsection (j),** all disbursements from the fund must be recommended by the incumbent workers

training board and approved by the board as required by IC 22-4-18.3-6.

(e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the fund.

(f) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(g) The fund consists of the following:

(1) Assessments deposited in the fund.

(2) Earnings acquired through the use of money belonging to the fund.

(3) Money received from the fund from any other source.

(4) Interest earned from money in the fund.

(5) Interest and penalties collected.

(h) All money deposited or paid into the fund is appropriated annually for disbursements authorized by this section.

(i) Any balance in the fund does not lapse but is available continuously to the department for expenditures consistent with this chapter.

~~(j) If the fund ratio (as described in IC 22-4-11-3) is less than or equal to 1.5 or if the board determines that the solvency of the unemployment insurance benefit fund established by IC 22-4-26-1 is threatened, the funds assessed for or deposited in the skills 2016 training fund shall be directed or transferred to the unemployment insurance benefit fund.~~

(j) The expenses of administering the fund are paid from the money in the fund subject to the approval of the incumbent workers training board.

SECTION 8. IC 22-4-25-1, AS AMENDED BY P.L.290-2001, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. (a) There is created in the state treasury a special fund to be known as the special employment and training services fund. All interest on delinquent contributions and penalties collected under this article, together with any voluntary contributions tendered as a contribution to this fund **and amounts deposited as required by IC 22-4-10.5-7(b),** shall be paid into this fund. The money shall not be expended or available for expenditure in any manner which would permit their substitution for (or a corresponding reduction in) federal funds which would in the absence of said money be available to finance expenditures for the administration of this article, but nothing in this section shall prevent said money from being used as a revolving fund to cover expenditures necessary and proper under the law for which federal funds have been duly requested but not yet received, subject to the charging of such expenditures against such funds when received. The money in this fund shall be used by the board for the payment of refunds of interest on delinquent contributions and penalties so collected, for the payment of costs of administration which are found not to have been properly and validly chargeable against federal grants or other funds received for or in the employment and training services administration fund, on and after July 1, 1945. Such money shall be available either to satisfy the obligations incurred by the board directly, or by transfer by the board of the required amount from the special employment and training services fund to the employment and training services administration fund. No expenditure of this fund shall be made unless and until the board finds that no other funds are available or can properly be used to finance such expenditures, except that expenditures from said fund may be made for the purpose of acquiring lands and buildings or for the erection of buildings on lands so acquired which are deemed necessary by the board for the proper administration of this article. The board shall order the transfer of such funds or the payment of any such obligation or expenditure and such funds shall be paid by the treasurer of state on requisition drawn by the board directing the auditor of state to issue the auditor's warrant therefor. Any such warrant shall be drawn by the state auditor based upon vouchers certified by the board or the commissioner. The money in this fund is hereby specifically made available to replace within a reasonable time any money received by this state pursuant to 42 U.S.C. 502, as amended, which, because of any action or contingency, has been lost or has been expended for purposes other than or in amounts in excess of those approved by the bureau of employment security. The money in this fund shall be continuously available to the board for expenditures in accordance with the provisions of this section and shall not lapse at any time or be transferred to any other fund, except as provided in this article. Nothing in this section shall be construed to limit, alter, or amend the liability of the state assumed and created by IC 22-4-28, or to change the procedure prescribed in IC 22-4-28 for the satisfaction of such liability, except to the extent that such liability may be satisfied by and out of the funds of such special employment and training services fund created by this section.

(b) The board, subject to the approval of the budget agency and governor, is authorized and empowered to use all or any part of the funds in the special employment and training services fund for the purpose of acquiring suitable office space for the department by way of purchase, lease, contract, or in any part thereof to purchase land and erect thereon such buildings as the board determines necessary or to assist in financing the construction of any building erected by the state or any of its agencies wherein available space will be provided for the department under lease or contract between the department and the state or such other agency. The commissioner may transfer from the employment and training services administration fund to the special employment and training services fund amounts not exceeding funds specifically available to the commissioner for that purpose equivalent to the fair, reasonable rental value of any land and buildings acquired for its use until such time as the full amount of the purchase price of such land and buildings and such cost of repair and maintenance thereof as was expended from the special employment and training services fund has been returned to such fund.

(c) The board may also transfer from the employment and training services administration fund to the special employment and training services fund amounts not exceeding funds specifically available to the commissioner for that purpose equivalent to the fair, reasonable rental value of space used by the department in any building erected by the state or any of its agencies until such time as the department's proportionate amount of the purchase price of such building and the department's proportionate amount of such cost of repair and maintenance thereof as was expended from the special employment and training services fund has been returned to such fund.

(d) Whenever the balance in the special employment and training services fund is deemed excessive by the board, the board shall order payment into the unemployment insurance benefit fund of the amount of the special employment and training services fund deemed to be excessive.

(e) Subject to the approval of the board, the commissioner may use not more than five million dollars ($5,000,000) during a program year for training provided by the state educational institution established under IC 20-12-61 to participants in joint labor and management apprenticeship programs approved by the United States Department of Labor's Bureau of Apprenticeship Training. Of the money allocated for training programs under this subsection, fifty percent (50%) is designated for industrial programs, and the remaining fifty (50%) percent is designated for building trade programs.

(f) The commissioner shall allocate an amount not to exceed four hundred fifty thousand dollars ($450,000) annually for training and counseling assistance under IC 22-4-14-2 provided by state educational institutions (as defined in IC 20-12-0.5-1) or counseling provided by the department of workforce development for individuals who:

(1) have been unemployed for at least four (4) weeks;

(2) are not otherwise eligible for training and counseling assistance under any other program; and

(3) are not participating in programs that duplicate those programs described in subsection (e).

Training or counseling provided under IC 22-4-14-2 does not excuse the claimant from complying with the requirements of IC 22-4-14-3. Eligibility for training and counseling assistance under this subsection shall not be determined until after the fourth week of eligibility for unemployment training compensation benefits. The training and counseling assistance programs funded by this subsection must be approved by the

United States Department of Labor's Bureau of Apprenticeship Training.

SECTION 9. IC 22-4-43 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]:

Chapter 43. Work Sharing

Sec. 1. The following definitions apply throughout this chapter:

(1) "Affected employee" means an individual who has been continuously on the payroll of an affected unit for at least three (3) months before the employing unit submits a work sharing plan.

(2) "Affected unit" means a specific plant, department, shift, or other definable unit of an employing unit:

(A) that has at least two (2) employees; and

(B) to which an approved work sharing plan applies.

(3) "Approved work sharing plan" means a plan that satisfies the purpose set forth in section 2 of this chapter and has the approval of the commissioner.

(4) "Commissioner" means the commissioner of workforce development appointed under IC 22-4.1-3-1.

(5) "Normal weekly work hours" means the lesser of:

(A) the number of hours that an employee in the affected unit works when the unit is operating on its normal full-time basis; or

(B) forty (40) hours.

(6) "Work sharing benefit" means a benefit payable to an affected employee for work performed under an approved work sharing plan, but does not include benefits that are otherwise payable under this article.

(7) "Work sharing employer" means an employing unit for which a work sharing plan has been approved.

(8) "Work sharing plan" means a plan of an employing unit under which:

(A) normal weekly work hours of affected employees are reduced; and

(B) affected employees share the work that remains after the reduction.

Sec. 2. The work sharing unemployment insurance program seeks to:

(1) preserve the jobs of employees and the workforce of an employer during lowered economic activity by reduction in work hours or workdays rather than by a layoff of some employees while other employees continue their normal weekly work hours or workdays; and

(2) ameliorate the adverse effect of reduction in business activity by providing benefits for the part of the normal weekly work hours or workdays in which an employee does not work.

Sec. 3. An employing unit that wishes to participate in the work sharing unemployment insurance program shall submit to the commissioner a written work sharing plan.

Sec. 4. (a) Within fifteen (15) days after receipt of a work sharing plan, the commissioner shall give written approval or disapproval of the plan to the employing unit.

(b) The decision of the commissioner to disapprove a work sharing plan is final and may not be appealed.

(c) An employing unit may submit a new work sharing plan not less than fifteen (15) days after disapproval of a work sharing plan.

Sec. 5. The commissioner shall approve a work sharing plan that meets the following requirements:

(1) The work sharing plan must apply to:

(A) at least ten percent (10%) of the employees in an affected unit; or

(B) at least twenty (20) employees in an affected unit.

(2) The normal weekly work hours of affected employees in the affected unit shall be reduced by at least ten percent (10%), but the reduction may not exceed fifty percent (50%) unless waived by the commissioner.

Sec. 6. A work sharing plan must:

(1) identify the affected unit;

(2) identify each employee in the affected unit by:

(A) name;

(B) Social Security number; and

(C) any other information the commissioner requires;

(3) specify an expiration date that is not more than six (6) months after the effective date of the work sharing plan;

(4) specify the effect that the work sharing plan will have on the fringe benefits of each employee in the affected unit, including:

(A) health insurance for hospital, medical, dental, and similar services;

(B) retirement benefits under benefit pension plans as defined in the federal Employee Retirement Income Security Act (29 U.S.C. 1001 et seq.);

(C) holiday and vacation pay;

(D) sick leave; and

(E) similar advantages;

(5) certify that:

(A) each affected employee has been continuously on the payroll of the employing unit for three (3) months immediately before the date on which the employing unit submits the work sharing plan; and

(B) the total reduction in normal weekly work hours is in place of layoffs that would have:

(i) affected at least the number of employees specified in section 5(1) of this chapter; and

(ii) resulted in an equivalent reduction in work hours; and

(6) contain the written approval of the collective bargaining agent for each collective bargaining agreement that covers any affected employee in the affected unit.

Sec. 7. If a work sharing plan serves the work sharing employer as a transitional step to permanent staff reduction, the work sharing plan must contain a reemployment assistance plan for each affected employee that the work sharing employer develops with the commissioner.

Sec. 8. The work sharing employer shall agree to:

(1) submit reports that are necessary to administer the work sharing plan; and

(2) allow the department to have access to all records necessary to:

(A) verify the work sharing plan before its approval; and

(B) monitor and evaluate the application of the work sharing plan after its approval.

Sec. 9. (a) An approved work sharing plan may be modified if the modification meets the requirements for approval under section 6 of this chapter and the commissioner approves the modifications.

(b) An employing unit may add an employee to a work sharing plan when the employee has been continuously on the payroll for three (3) months.

(c) An approved modification of a work sharing plan may not change its expiration date.

Sec. 10. (a) An affected employee is eligible under this chapter to receive work sharing benefits for each week in which the commissioner determines that the affected employee is:

(1) able to work; and

(2) available for more hours of work or full-time work for the worksharing employer.

(b) An affected employee who otherwise is eligible may not be denied work sharing benefits for lack of effort to secure work as set forth in IC 22-4-14-3 or for failure to apply for available suitable work as set forth in IC 22-4-15-2 from a person other than the work sharing employer.

(c) An affected employee shall apply for benefits under IC 22-4-17-1.

(d) An affected employee who otherwise is eligible for benefits is:

(1) considered to be unemployed for the purpose of the work sharing unemployment insurance program; and

(2) not subject to the requirements of IC 22-4-14-2.

Sec. 11. The weekly work sharing unemployment

compensation benefit due to an affected worker is determined in STEP FOUR of the following formula:

STEP ONE: Determine the weekly benefit that would be due to the affected employee under IC 22-4-12-4.

STEP TWO: Determine the percentage reduction in the employee's normal work hours as to those under the approved work sharing plan.

STEP THREE: Multiply the number determined in STEP ONE by the quotient determined in STEP TWO.

STEP FOUR: If the product determined under STEP FOUR is not a multiple of one dollar ($1), round down to the nearest lower multiple of one dollar ($1).

Sec. 12. (a) An affected employee is eligible to receive not more than twenty-six (26) weeks of work sharing benefits during each benefit year.

(b) The total amount of benefits payable under IC 22-4-12-4 and work sharing benefits payable under this chapter may not exceed the total payable for the benefit year under IC 22-4-12-4(a).

Sec. 13. During a week in which an affected employee who otherwise is eligible for benefits does not work for the work sharing employer:

(1) the individual shall be paid unemployment insurance benefits in accordance with IC 22-4-12; and

(2) the week does not count as a week for which a work sharing benefit is received.

Sec. 14. During a week in which an employee earns wages under an approved work sharing plan and other wages, the work sharing benefit shall be reduced by the same percentage that the combined wages are of wages for normal weekly work hours if the other wages:

(1) exceed the wages earned under the approved work sharing plan; and

(2) do not exceed ninety percent (90%) of the wages that the individual earns for normal weekly work hours.

This computation applies regardless of whether the employee earned the other wages from the work sharing employer or another employer.

Sec. 15. While an affected employee applies for or receives work sharing benefits, the affected employee is not eligible for:

(1) extended benefits under IC 22-4-12-4; or

(2) supplemental federal unemployment compensation.

Sec. 16. Work sharing benefits shall be charged to the work sharing employer's experience balance in the same manner as unemployment insurance is charged under this article. Employers liable for payments instead of contributions shall have work sharing benefits attributed to service in their employ in the same manner as unemployment insurance is attributed under this article.

Sec. 17. The commissioner may revoke approval of an approved work sharing plan for good cause, including:

(1) conduct or an occurrence that tends to defeat the intent and effective operation of the approved work sharing plan;

(2) failure to comply with an assurance in the approved work sharing plan;

(3) unreasonable revision of a productivity standard of the affected unit; and

(4) violation of a criterion on which the commissioner based the approval of the work sharing plan.

Sec. 18. This chapter expires January 1, 2006.

SECTION 10. [EFFECTIVE JULY 1, 2003] **(a) Notwithstanding IC 22-4-43-13, as added by this act, the unemployment insurance board shall carry out the duties imposed upon it under IC 22-4-43-13, as added by this act, under interim written guidelines recommended by the commissioner of workforce development and approved by the unemployment insurance board.**

(b) This SECTION expires on the earlier of the following:

(1) The date rules are adopted under IC 22-4-43-13, as added by this act.

(2) December 31, 2004.

SECTION 11. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2003]: IC 22-4-10.5-1; IC 22-4-11-3.2.".

Renumber all SECTIONS consecutively.

(Reference is to SB 486 as printed February 14, 2003.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

LIGGETT, Chair

HOUSE MOTION

Mr. Speaker: I move that the committee report filed and submitted to the House on Engrossed Senate Bill 486 be rejected as a point of order. The House Labor and Employment Committee voted on passage of an amendment to the bill and voted to pass the bill out of committee in the absence of a quorum. Pursuant to House Rule 62, a quorum is defined as a majority of the committee members. Pursuant to House Rule 77, no motion to take action on a bill may be entertained if no quorum is present.

Furthermore, Jefferson's Manual section 799 states that, "No committee report is valid unless authorized with a quorum of the committee actually present at the time the vote is taken."

Therefore, as no quorum was present at the time action was taken in the House Labor and Employment Committee on ESB 486, I move that the House reject the committee report on ESB 486.

TORR

The Speaker ruled the motion out of order, stating that the question before the House was on adoption of the committee report on Engrossed Senate Bill 486.

APPEAL OF THE RULING OF THE CHAIR

Mr. Speaker: We hereby appeal the ruling of the Chair in determining that the point of order raised by Representative Torr during the consideration of the committee report on ESB 486 was out of order.

BOSMA
FRIEND

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Dobis.

The question was, Shall the ruling of the Chair be sustained? Roll Call 466: yeas 50, nays 47. The ruling of the Chair was sustained.

The Speaker Pro Tempore yielded the gavel to the Speaker.

The question then was on adoption of the committee report on ESB 486. Roll Call 467: yeas 51, nays 48. Report adopted.

MOTIONS TO DISSENT FROM SENATE AMENDMENTS

HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1242 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

AYRES

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1056 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

GOODIN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1219 and that the Speaker appoint a committee to confer with a like committee from the Senate

and report back to the House.

KUZMAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1620 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

L. LAWSON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1664 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

RESKE

Motion prevailed.

ENROLLED ACTS SIGNED

The Speaker announced that he had signed House Enrolled Acts 1044, 1102, 1129, 1155, and 1397; House Enrolled Joint Resolution 7; and Senate Enrolled Acts 63, 182, 220, 240, and 320 on April 7.

OTHER BUSINESS ON THE SPEAKER'S TABLE

Referrals to Ways and Means

The Speaker announced, pursuant to House Rule 127, that Engrossed Senate Bills 71 and 115 had been referred to the Committee on Ways and Means.

MESSAGE FROM THE GOVERNOR

Mr. Speaker and Members of the House: On April 2, 2003, I signed into law House Enrolled Acts 1115, 1116, 1117, 1167, and 1183.

FRANK O'BANNON
Governor

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1331:

Conferees: R. Meeks and Sipes
Advisors: M. Young and Breaux

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that pursuant to Rule 81(c) of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has made the following change in conferees appointments to Engrossed House Bill 1331:

C. Meeks replacing R. Meeks as conferee

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolutions 33 and 42 and the same are herewith returned to the House.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolution 48 and the same is herewith transmitted to the House for further action.

MARY C. MENDEL
Principal Secretary of the Senate

HOUSE MOTION

Mr. Speaker: I move that Representative Frenz be added as cosponsor of Engrossed Senate Bill 26.

FRY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Koch be added as cosponsor of Engrossed Senate Bill 245.

WELCH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Goodin and Saunders be added as cosponsors of Engrossed Senate Bill 289.

CHERRY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Thomas be added as cosponsor of Engrossed Senate Bill 314.

L. LAWSON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Thomas be added as cosponsor of Engrossed Senate Bill 435.

BARDON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Koch be added as cosponsor of Engrossed Senate Bill 490.

LYTLE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Lehe be added as cosponsor of Engrossed Senate Bill 533.

BOTTORFF

Motion prevailed.

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative Whetstone, the House adjourned at 4:30 p.m., this seventh day of April, 2003, until Tuesday, April 8, 2003, at 10:00 a.m.

B. PATRICK BAUER
Speaker of the House of Representatives

DIANE MASARIU CARTER
Principal Clerk of the House of Representatives